App. F IX-4

Previous References 192 (nil)

File No. 9/-27

Serial Nos. 22, 23

Later References
Mfs 61-31-1, 2 + 2, (A Corr 2),
" 62 31-1-6 80.
" 63 31-1-3 80.

General and Revenue Secretariat.

Serial Nos.

Part B for

SUBJECT

Draft minor municipalities Bill

6137

App. F III—2]

General and Revenue Secretariat.

M(File No. 91 of 1927.

Serial No.

From the Secretary to the Municipal Regulation Amendment Committee, No 854(dated 28th May 1928 Forwards the first report of the Committee together with a copy of the Draft Minor Municipalities Bill as revised by the Committee and a letter from Mr Vema Reddy regarding the election of Presidents by the general body of voters.

1) The Committee are in general agreement with the principles embodied in the Bill and the important changes proposed by them are detailed in para 4 of their report

2) The Committee in para 3 of their report state that they have not gone into great detail about the phraseology of the clauses

3) Of the principles recommended by the Committee, those relating to —

(a) decision of validity of elections by Munsiffs and

(b) investigation by Government of complaints from rate payers against Municipal Administration and taking power to Government to dissolve or supersede the Municipal Council, have not been embodied in the Draft Bill revised by the Committee If these principles are approved, necessary provision will be inserted in the bill

4) The late First Member of Council directed that a few copies of the bill as revised may be got printed for use.

Agree - CBZ

1) Does not the revision for Appeals contain some such words?

2) Is this not provided for under 34 A? CBZ

Maybe done CBZ

Note—Contn. Sheet.

WD 6111—GPB—2,000—28-8-28

App F III—2]

General and Revenue Secretariat.

(M) File No. 71 of 1927 (2

Serial No.

5) Submitted for orders.

6) Separate action is being taken regarding para 6 of the Report and action has already been taken on the recommendations in para 8 of the Report.

2nd Member) 18/6

7) Asst Secy will please bring up for discussion in person

8) Please bring up 14/6. before the end of July.

9) File Budget as directed above

10) 2nd Member 27

11) Sec. - Marginal remarks on previous page. On certain pages of the Report I will have made some general remarks. Asst Secy may bring up the file in person for further action

OFFICE OF THE Council Branch OF GOVT
13 JUNE 1928
No 1231

OFFICE OF THE Council Branch OF GOVT
3 JULY 1928
No 6-2

Note—Cover Sheet.

P.T.O.

General and Revenue Secretariat | M1 File No 91 of 192 7.

Serial No

12) As personally directed the following modifications have been made in the draft Bill -

Clause 4A. It has been made clear that the population for the purpose of this -- clause refers to the Census of 1921

Clause 6 A In order to be a voter it is provided that the voter sho ld have resided in the Municipality for a period of at least 6 months prior to the date of election

Clause 6 D. Being a sub-ordinate officer or servant of a Municipal Council is -- made a disqualification for a --- Councillor

Clause 6 E A new clause numbered 6 E has been inserted for providing for the decision of election disputes by ~~Municipalities~~ Munsiffs

Clause 12 In order that a candidate for the -- President's Office may be successful, it is prov ded that he should secure the votes of more than one-half of the whole number of Councillors

Clause 34 A The clause has been amended in order to take power to Government to dissolve the Municipal Council on the complaint of ~~more than one-half of the voters~~ rate payers in the Municipality

Clause 34 B. After clause 34 A, a new clause 34 B has been inserted after the model of Section 176 A of the Municipal Regulation in order to provide for enquiry into Municipal matters and also into complaints against Municipal councillors by not less than one-half of the rate-payers in the Municipality

DS 19/7/28

13) If the above additions and amendments are approved, the Draft Bill will be sent to the Press for printing

Sheet

[illegible] SED 6724—GPE—5000—10-28

6137

App F III—2 (4

General and Revenue Secretariat. File No. 91 of 1927

Serial No.

(1) The draft bill has to be placed before the Council & this sanction has to be obtained thereto before placing the same before the Dept Asst This will be attended to after copies are received from the Govt or required earlier on an amended copy of this bill

2nd Member 25/7

(5) 9

(6) In Dft for further action 28/7

(7) Draft to the Supdt, Govt Press may be asked for approval the table of contents and the Statement of objects and reasons may also be revised and 23/7/28 asked for approval

18/7

28 To the Supdt, Govt Press No 827 of 25/7/28

Send R Requests him to send 50 copies of the Bill as revised

OFFICE OF THE SECOND MEMBER OF COUNCIL 20 JULY 1928 No. 657

NOTE—Contin. Sheet.

WD 8774—GPD—30,000—10-26

6137

App F III—2]

neral and Revenue Secretariat | ML File No 91 of 1927.

Serial No

(17) copies of the Bill have been receive
One copy of the Bill is placed in the
It has to be considered in council
the R A has to be consulted

ANS OFFICE
1 - OCT. 1928
No. 6137

26/9/28

Submit this to 2nd Member
If agreed this may be circulated
to Council to hold to 11th before placing
the bill before the R A

OFFICE OF THE SE OF COUNCIL
27 SEP 1928
No 2656

2nd Member

27/9/28

yes
CSJ
27/9/28

CHIEF SECRETARY
27 SEP 1928

bh Secy

27/9/28

C. S
Dewan)

Dewan
30/9

Circulate
Dewan
1/10

1—10—28

Completed)

29/9/28

Final note signed by
the member is placed below

S N submitted.

14.10.28

Note—Contn Sheet

GPB—30,000—15-4-28

(For disposal by circulation)

No C 127
of 1928-29

GENERAL AND REVENUE SECRETARIAT

Council Matter

SUBJECT

The draft Minor Municipalities Bill.

CIRCULATED TO THE MEMBERS OF COUNCIL

By Order

2nd October 1928

Chief Secretary to Government

~~Extraordinary Members of Council~~

First Member of Council

Second Member of Council

Third Member of Council.

GPB—1 000—28 8 14

For favour of Final Note

Second Member

General and Revenue Secretariat | File No | of 192

Serial No

If it is not too late, this may be included in the Agenda provisionally ~~and~~ The Statement of Objects & reasons is a subsequent exposition of the principles of the Bill

Nehru
16/10

WD 01714—GPE—90,000—10-4-28

(Issued 12 noon 16 10 28)

Telephone message

To

The Assistant Secretary
Municipal Branch
Bangalore

If it is not too late, the draft Minor Municipalities Bill now under Submission to His Highness may be provisionally included in the Agenda for the Representative Assembly The Statement of objects and reasons is a sufficient exposition of the principles of the bill Reply by telephone if this is possible

Submd for perusal after issue
GPL
16 10 28

GPL
16/10

Recd 8 PM
16/6/28

Telephone message

From the Asst Secy to S G
Bangalore

To the Chief Secy to Govt
Mysore

The objects and
Reasons of the Mysore
Municipalities Bill are
given at the beginning
of the draft bill now
sent to H H Another
copy is being sent
tonight If it is
immediately translated
and copies sent to
Members by 20th inst.
this will give 10 days
time as required by
rules if the bill is
taken up for discussion
at the end of the Session

G.R.S. III—3]

Routine Notes. Immediate

[To be used only for notes, requisitions, etc., not intended for permanent record.]

In Order of the Telephone Reply I sent herewith 2 Copies of the Draft Amended Articles

The Objection to Reasons given therein seem to be sufficient

No Reply Notice is necessary under the Rules of the R.A.

If the Copies are sent 10 days before the Meeting is taken up at the R.A. the Requirements of the Rule will have been complied with

In the Statement of Objection to Reasons must be quickly translated, & Copies sent to Members in time.

V. S. Monckton
16/10/28

Mr Kay.

To Members

The file was received yesterday with a final note and is now submitted to M. It was felt seem possible to arrange for the translation of the Objection to Reasons

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on sheets of foolscap paper, as slips are liable to get lost.

by Mr Kay & copies in 3 days.

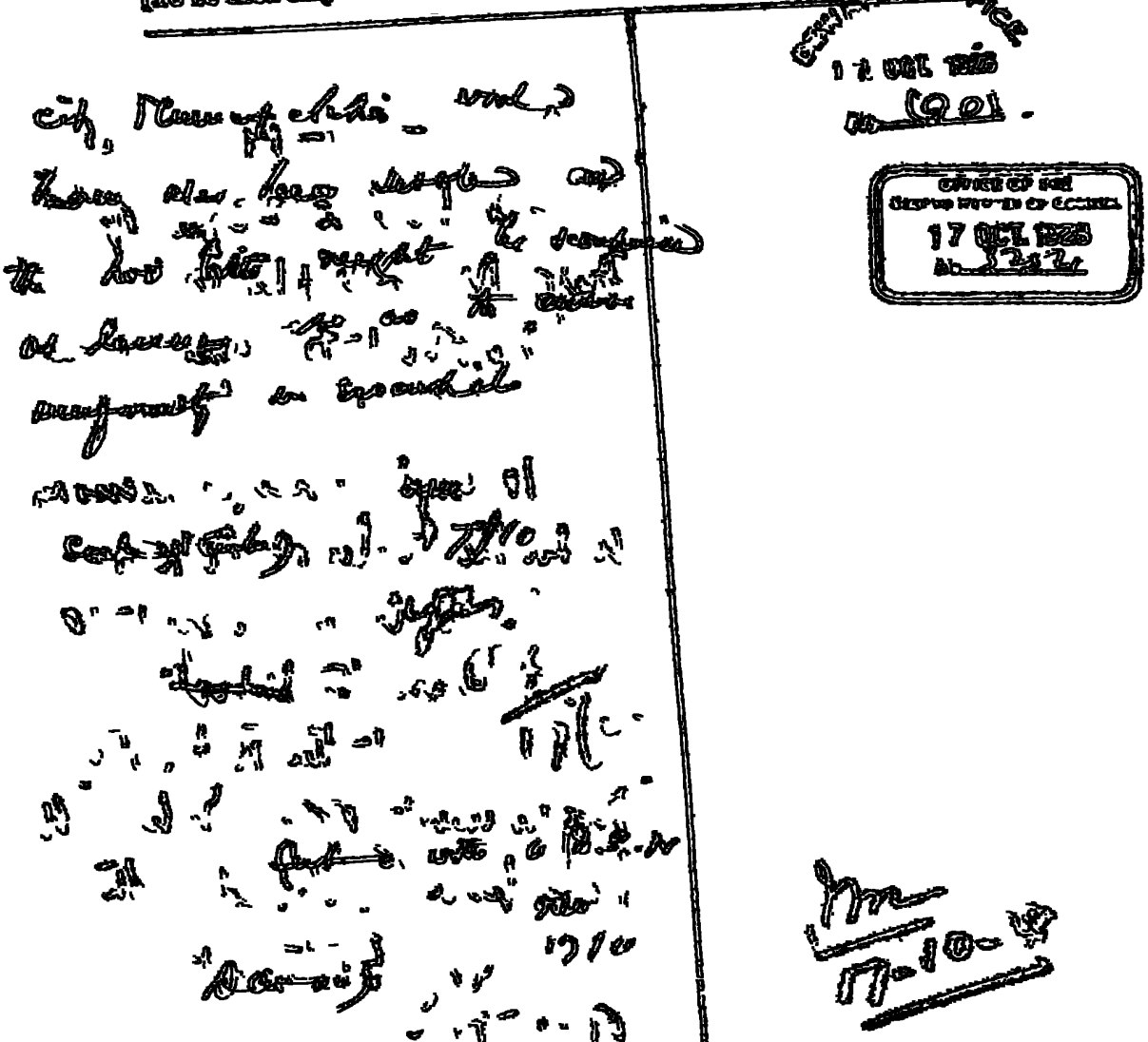
If approved, the Bill may next month come before Council of R A by Mail from amendments relating to Form of

C 127

G.M.S. III—9]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]



N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Final Note by the Second Member of Council

Subject — The draft minor Municipalities Bill.

Under His Highness' orders dated the 16th February 1928, a Committee was appointed for the consideration of the draft Minor Municipality Bill The Committee have now submitted their report in which they have expressed their general agreement with the principles embodied in the original draft.

The most important chages introduced by the Bill have been mentioned in the Statement of Objects and Reasons appended to the Draft Bill as finally modified.

The draft Bill has been approved by the Dewan and the Members of Council

Gracious sanction is now solicited to place the revised Bill before the Representative Assembly.

C S Balasundaram Ayyar
MEMBER OF COUNCIL.

Bangalore,
10th October 1928.

Submitted to His Highness

I submit herewith a Final Note by the Second *Member of Council on the subject of* the draft minor Municipalities Bill,

for His Highness' gracious approval

Mirza M Ismail
Dewan
17-10-28

Record of Cases submitted for the Order of His Highness the Maharaja

Subject

Draft Minor Municipalities Bill

Order

20/10/28

C Secy
MO
22-10-28

General and Revenue Secretariat

ML 91 – 27 C127

SUBJECT

Draft Minor Municipal Laws Bill

(1)

31 All papers put up to Council shall be returned with His Highness orders thereon by the Secretary to the Council to the Member in charge of the Department for placing before the Council.

33 The Secretary should see that orders passed by the Council are duly communicated to the Chief Secretary to Government for placing before the Members.

34 It will be the duty of the Secretary to Council to bring to the notice of Members of Council the decisions of His Highness orders

NOTE —Contn sheet

Circulated to Members of Council for perusal of His Highness orders before/after issue of orders (*Vide* Rules 31 33 and 34 of the Subsidiary Rule for the conduct of business of Council in the Manual of Council Rules and Procedure)

By Order,

Chief Secretary to Government

Through the Secretary to Government

Department

2661 29/10

FIRST MEMBER OF COUNCIL 30/10

29/10

SECOND MEMBER OF COUNCIL

4518 29/10

THIRD MEMBER OF COUNCIL 29/10

Asst Secy, L&G

31/10

General and Revenue Secretariat

File No 91 of 192 7

Serial No 269

The Amendment to the A P L Act be taken up during the matter for action at the next session of the Act 2 or 3 copies of the draft Amendment & thereof the translation may also be [illegible] for copies being printed in Kannada

The Chairman has ordered that the draft might be printed with the Town Municipal Bill and necessary corrections of any notes this may be attended to also after the draft Major Municipalities Bill is approved

1/4/28

DO R A Secy)

OF THE SECRETARY
5 NOV 1928
LEGISLATIVE ASSEMBLY

The next session of the R A will be only at the time of the next birth-day of the Highness and the interval from now will be about Eight months this may be exchanged to the Asst Secy d.s.q with the information that the Statement to be placed before the R A may be sent to this office when called for some time in advance of the next session of the R A

5/11

ntn Sheet

Asst Secy d.s.q)

5/11

WD 01714—GPE—50,000—10-4-28

His Highness the Maharaja of Mysore,

General and Revenue Secretariat,

Dated Bangalore, the 28th May 1928

No L 8545/ml 91-27 22
Encl 4

L 613

From

T K Someswara Iyer, Esq , B A , B L ,

Secretary to the Municipal Regulation Amendment Committee

To

R Ranga Rao, Esq , B A , B L ,

General Secretary to the Government

of M Y S O R E

Sir,

With reference to Government Order No L, 4899-4907 Ml 91-27-8 dated the 24th February 1928 appointing a Committee to examine the draft Minor Municipalities Bill and the Bill further to amend the Mysore Municipal Regulation, I am directed to forward the first report of the Committee together with a letter from Mr L Vema Reddi regarding the election of Presidents by the general body of voters and a copy of the proceedings of the Committee at the meetings held on the 13th and 14th April 1928 referred to in para 8 of this Report

I have the honour to be,

Sir,

Your most obedient servant,

Secretary to the Committee

We, the members of the Committee appointed to consider the Draft Minor Municipalities Bill and the Bill further to amend the Municipal Regulation, beg to submit the following report

2 The Committee met for 3 days on the 13th and 14th April and 12th May 1928 in the Chamber of the First Member of Council

3. The Committee are in general agreement with the principles embodied in the Draft Minor Municipalities Bill, but as the matter will again have to be considered by the Representative Assembly and the Legislative Council, the Committee have not gone into great detail about the phraseology of the clauses

4 The following important principles, some of which are embodied in the Bill and others which are not, have the unanimous support of the Committee -

(1) Adult suffrage,

(2) Decision of validity of elections by Munsiffs,

(3) Election of President by general body of voters when directed by Government,

(4) When President is elected by the members of the Municipal Council there should be an absolute majority and the Municipal Council should decide the term of President at the time of election,

(5) Appointment of an officer for assessing properties and to be in charge of Audit of Municipal Revenue,

(6) Investigation by Government of complaints from rate-payers against Municipal administration and taking power to Government to dissolve or supersede the Municipal Council in cases of necessity

5 Mr Vema Reddi considers that Presidents should always be elected by the general body of

voters

voters and not by members of the Municipal Council and has promised to submit a note on the subject which will be forwarded to Government

6. We shall report subsequently on the Draft Bill further to amend the Mysore Municipal Regulation, but would recommend that the provisions that we have made in the Minor Municipalities Bill for the creation of independent officers of Government for assessing taxes in Minor Municipalities might be adopted immediately for all Municipalities as it is apprehended that there is great loss of revenue on account of incorrect assessment due to various causes.

7. We have provisionally fixed the maximum population to which this Bill should apply at 5000 but would leave it to Government to fix any maximum they may consider suitable in all other circumstances.

8 The Committee have already recommended that in the matter of the existing Municipal Regulation, pending their final report, action may be taken immediately in urgent matters mentioned below -

(1) Candidates at elections to be required to make a deposit,

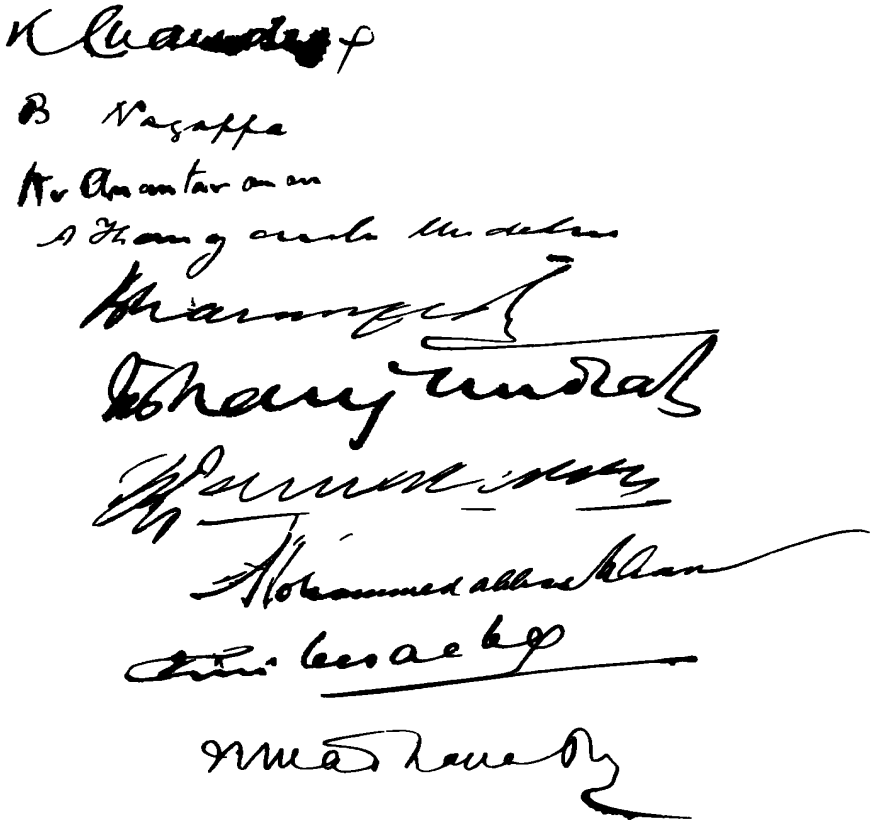
(2) Election petitions to be accompanied by a deposit and provision for appeal only on a point of law to Chief Court,

(3) Removal of sex disqualification,

(4) Composition of tolls, and

(5) Modification of the term of office on first appointment of a Municipal Commissioner.

9 The draft Bill as amended by the Committee is appended hereto



Ltr to the Non-Official Members for perusal
17/5.

L5836

To

The Secretary,
Municipal Regulation Amendment Committee
in Mysore, BANGALORE.

Sir,

The humble suggestions of L. Vema Reddy, Member of the above Committee, on Section 12 of the Draft Minor Municipalities Bill, as desired by the Committee, on 12-5-1928, are as follows -

1. It is proposed that the Non-Official Presidents for Minor Municipalities be elected by Members of Municipalities.

2. Such Presidents should, under no circumstances, be placed under any one's influence or obligation, and they must be competent to discharge their duties independently in the interests of the public..

3. Under Section 12 of the Draft Bill, (of the Minor Municipalities), a President should be elected by Members of the Municipal Council only, and among the Members of the Council.

4. In places where Minor Municipalities exist, it cannot be reasonably expected of all the members, or even a majority of them, possessing the necessary education and wealth.

5. Most of the members might have attempted and become members with some ulterior motives of their own, and a member who attempts to become a President, might, as a matter of fact, influence other members of the Council in various ways to vote for him, and when this is done by his voters, it does not mean anything

anything else than a President placing himself under the obligations of his voters, which fact may interfere with the independence of a President during the whole period of his office.

6 Therefore, my humble suggestion is that it may be kindly considered, that, instead of the Election being entrusted to a few interested - Municipal Members it will be beneficial if the - Election be allowed to be made by the General Voters of the Municipality, thus guarding the interests of Three to Five Thousand residents of a ~~Municipality~~ rather than placing a President under the obligation of a few interested members of its own Municipality who have to work with the President elected by themselves

I beg to remain,
Sir,
Your most obedient servant,

Kolar,)
( )
16-5-1928.)

Member of the Municipal Regulation Amendment Committee in Mysore, Bangalore

---

PROCEEDINGS OF THE FIRST MEETING OF THE MUNICIPA
REGULATION AMENDMENT COMMITTEE.

The Committee met in the Chamber
First Member of Council on the 13th and 14th
to consider the Draft Minor Municipality Bill a
Bill further to amend the Mysore Municipal Regula

2. The question whether it was necessary to have a separate bill for smaller Municipalities was discussed and the Committee decided it expedient to have a separate Regulation for the smaller Municipalities, to restrict the scope of the existing Regulation to the cities and the larger Municipalities and to follow as far as possible the arrangement and wording of the sections in the existing Regulation in finally adopting the Bill for the smaller Municipalities. Pending the scrutiny of the existing Regulation, the general principles of the draft Minor Municipalities Bill were considered and 64 clauses of the Bill were gone into in detail.

3. The Committee approved generally of the principles of this Bill as set forth in the statement of objects and reasons and decided that provision for the following matters should be made therein -

(a) Adult suffrage. At present, persons paying a tax of Rs.2/- a year are qualified to vote, besides pensioners in receipt of a pension of Rs.7/- per annum, pleaders and other persons specified in the rules. The Committee consider that in small Municipalities all adults who have been resident in the Municipality for a period of 6 months should be generally qualified to vote at Municipal elections.

(b) Decision of validity of election by Munsiff. The Committee consider that the present practice under which election petitions are decided by Deputy Commissioners may be discontinued and that the Munsiff

be authorised to decide the validity of [illegible] and that an appeal should be allowed from his [illegible] on a point of law.

(c) Absolute majority for election of President. At present, a minimum number of votes is not prescribed for a person to be elected as President by the Councillors. In order to ensure that a person commanding the confidence of a majority of whole number of Councillors is elected, the Committee considers that a person in order to be duly elected as President should secure at least one-half of the votes of the whole number of Councillors.

(d) Appointment of an officer for assessing properties and to be in charge of Revenue Audit. Properties liable to Municipal taxes are not now properly assessed. The Committee considers that it is not desirable and expedient to entrust the duty of assessing properties and of hearing appeals against assessment to non-official Councillors and that the Government may appoint a special officer for each District to attend to the assessment of properties in the Municipalities of the District and to conduct the Revenue Audit of the Municipalities. The Committee recommend that the officer to be appointed should be not below the rank and status of an Additor, that he should be given the required establishment, that the cost on this account should be borne by the Municipal Councils in the District in proportion to their annual income and that the decision of the special officer in regard to assessment should be made appealable to the Assistant Commissioner incharge of the Taluk in which the Municipality is situated.

4. With regard to the Bill for further amendment of the existing Regulation, the Committee avoid-

that the scrutiny in detail of the existing Regulations is necessary in order to make their suggestions for improving the same, that it would take some time to adopt finally the items to be included in the Bill and that in the meantime urgent action may be taken for including necessary provision in the existing Regulation for the matters detailed below --

(a) Candidates at election to be required to make a deposit. At present every voter, unless disqualified, may stand as a candidate at a Municipal election even though he has no prospect of securing the votes of an appreciable number of voters. The Committee considers that the present practice throws needless work on the officer conducting the elections besides being a source of annoyance to candidates who have a reasonable prospect of being elected, and that provision should be made in the Regulations for requiring every candidate to make a deposit along with his nomination paper and that the deposit should be forfeited unless the candidate secures a prescribed minimum number of votes

(b) Election petitions to be accompanied by a deposit and provision for appeal to Chief Court. In order to put down frivolous petitions contesting the validity of election, the Committee considers that every petition contesting the validity of election of a person as a Councillor or as President by the general body of voters should be required to be accompanied by a deposit as security for costs, the amount of deposit being prescribed at Rs 100 in the case of City Municipalities and at Rs.50 in other Municipalities The Committee also considers it expedient to allow an appeal to the Chief Court from the decision of a Judge on a point of law.

(c) Removal of [illegible]

VL. 61

SUBJECT.....

Section ML
File No. 91/27
Serial No. 22

No. C 827
Five Mauna me bla

General and Revenue Secretariat
( )
the 192

To .....

Dear Sir

Date of issue.... 25-7-28

Signed by .. M. D. S. Syrs

Kindly cause the accompanying Draft Minor Managements Estates Bill as revised to be put in type and 50 copies thereof sent to me before the 5th August 1928. The matter may be treated as very urgent and type kept standing

Yours faithfully
25/7

List of enclosures.....

Copied by .....

Examined by .....

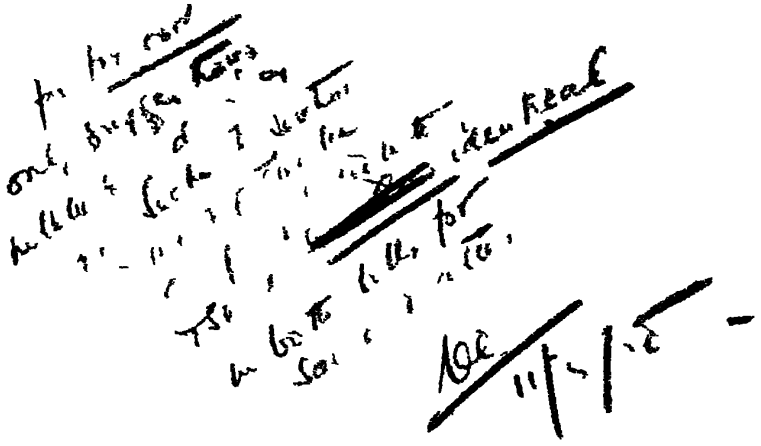
23/7/28 Asst

WDSSB—GPB—20,000—21-6-27

Draft Minor Managements Estates Bill

HH 731

copy as revised by the committee



THE DRAFT MYSORE MINOR MUNICIPALITIES BILL

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2 Statement of objects and reasons
3 The Draft Mysore Minor Municipalities Bill

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2. Repeal
3. Interpretation Section

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   (4) Publication of names of Councillors and Presidents in the official gazette
7. Term of office of Councillors and President
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9. Resignation of Councillors and President
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11. Casual vacancies among Councillors and President how to be filled up
12. Election or appointment of President
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63 Powei to attach brackets for lamps name plates of streets etc
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66 Power with regard to huts privies etc
67 Power as regards sanitation drainage etc
68 Depositing oi throwing ıubbish etc on roıds or into drai and discharging sewage
69 Power to lay or carry pipes drains oi ewers through private property
70 Power of Municipal Conneil to provide for propei water supply
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72 Feeding animals on del t rious ub tance
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74 Places for sl ughter of animals for sale
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82 Punishment for disobedience to orders and notices not punishable under any othei Section
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4

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(2) Occupier in default of owner may execute works and deduct expenses from his rent
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90 Determination of compensation in certain cases
91 Damage to Municipal property how made good
92. Power of Government to make rules and orders
93 Exclusion of suits relating to election, appointment and removal of councillors or President omitted

LIST OF ABBREVIATIONS

Bom Bor	Bombay City Municipalities Act 1925
Bom L B	Bombay Local Boards Act 1923
Cal	Calcutta Municipal Act 1923
C P	Central Provinces Municipalities Act 1922
Dt Bd	Mysore District Boards Regulation 1926
Mad	Madras District Municipalities Act 1920
Mys	Mysore Municipal Regulation 1906
P S T	Punjab Small Towns Act 1921
Rang	City of Rangoon Municipal Act 1922
Trav	Travancore Municipal Regulation 1920
V P	Mysore Village Panchayet Regulation 1906

STATEMENT OF OBJECTS AND REASONS

1 The main object of the Bill is to provide a simple Regulation to suit the requirements of smaller Municipalities in the State.

2. The present Mysore Municipal Regulation of 1906 which is applicable to all the City, Town and Minor Municipalities in the State consists of 257 Sections and Minor Municipal Councils are exempted from the operation of 82 of these sections. Besides these, 17 sections relating to Municipal Commissioner in City Municipalities are not also applicable to Minor Municipalities. Many of the provisions in the preset Regulation are too complex for small Municipalities. These Municipalities do not require elaborate provisions and the provisions to be made should be limited to what re really essential, the remaining provisions being regulsed by rules which the Government may prescribe. A seprate Bill has, therefore, been prepared for Minor Municiplities keeping these principles in view

3. The most important changes introduced by the Bill are the following —

Executive officer and President

4. The finances of small Municipalities do not admit of the appointment of an executive officer for efficiently carrying out the executive functions The executive powers in these Municipalies will, therefore, continue to vest in a President and it is necessary that he should be responsible to the Government for the fulfilment of the purposes of the Regulation In order to enable him to carry out his functions thout undue interference, he has been invested with cetain powers independent of the Municipal Council

5. The President in small Municipalities is generally the Amildar or the Duty Amildar These Municipalities have also Vice-Pudents generally elected by the Municipal Council It is proposed to change the present policy and throw open the appointment of President for election as a general rule For default of election or for special reasons, power is served to the Government to appoint the President by name or by office. In order that the non-official Pudents may exercise their executive powers with friom, the Amildar has not been invested with any powerf interference and in order to provide for prompt remed measures when emergencies require, the Assistant Commissioner of the Taluk in which the Municipality situated is given wide powers as regards inspection, Supervision and control No provision is made for a Vice-President as the President will generally be a non-offi

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7 7 Power is given to the auditor to surcharge President Councillors officers and servants for loss, waste or misapplication of the Municipal fund This provision is necessary in order to safeguard the interests of the inhabitants of the Municipality

Rules

10 8 Though the existing Municipal Regulation gives power to the Minor Municipl Councils to frame bye laws many Municipal Councils have not framed bye laws and the administration of Minor Municipal Councils has been hampered by the absence of bye laws It has been considered expedient to take away from the Minor Municipal Councils the power to frame bye laws and to retain in the hands of the Government the power to make rules to regulate all matters concerning Minor Municipalities and to prescribe punishments for violation of rules

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92 Power of Government to make rules and orders

93 Exclusion of suit relating to election appointment and removal of councillors or President

LIST OF ABBREVIATIONS

Bom Bor	Bombay City Municipalities Act 19
Bom L B	Bombay Local Boards Act 1923
Cal	Calcutta Municipal Act 1923
C P	Central Provinces Municipalities Act 1922
Dt Bd	Mysore District Boards Regulation 1926
Mad	Madras District Municipalities Act 1920
Mys	Mysore Municipal Regulation 1906
P S T	Punjab Small Towns Act 1921
Rang	City of Rangoon Municipal Act 19 2
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STATEMENT OF OBJECTS AND REASONS

1 The main object of the Bill is to provide a simple Regulation to suit the requirements of smaller Municipalities in the State

2 The present Mysore Municipal Regulation of 1906 which is applicable to all the City Town and Minor Municipalities in the State consists of 237 Sections and Minor Municipal Councils are exempted from the operation of 82 of these sections Besides these 17 sections relating to Municipal Commissioner in City Municipalities are not also applicable to Minor Municipalities Many of the provisions in the present Regulation are too complex for small Municipalities These Municipalities do not require elaborate provisions and the provisions to be made should be limited to what are really essential the remaining provisions being regulated by rules which the Government may prescribe A separate Bill has therefore been prepared for Minor Municipalities keeping these principles in view

3 The most important changes introduced by the Bill are the following —

Executive officer and President

4 The finances of small Municipalities do not admit of the appointment of an executive officer for efficiently carrying out the executive functions The executive powers in these Municipalities will therefore continue to vest in a President and it is necessary that he should be responsible to the Government for the fulfilment of the purposes of the Regulation In order to enable him to carry out his functions without undue interference he has been invested with certain powers independent of the Municipal Council

5 The President in small Municipalities is generally the Amildar or the Deputy Amildar These Municipalities have also Vice Presidents generally elected by the Municipal Council It is proposed to change the present policy and throw open the appointment of President for election as a general rule For default of election or for special reasons power is reserved to the Government to appoint the President by name or by office In order that the non official Presidents may exercise their executive powers with freedom the Amildar has not been invested with any powers of interference and in order to provide for prompt remedial measures when emergencies require the Assistant Commissioner of the Taluk in which the Municipality is situated is given wide powers as regards inspection supervision and control No provision is made for a Vice President as the President will generally be a non official

Taxation

6 Minor Municipal Councils are at present required to impose taxes at a uniform rate throughout the State Town and City Municipal Councils have power to fix and vary the rates of taxes according to their requirements and for this they have to frame rules which take effect only on sanction of Government being obtained thereto Village Panchayets have power to fix the rates of taxes subject to the maxima prescribed by the Government The power to fix the rates within the maximum approved by the Government and to vary the rates from time to time as may be deemed expedient is given to the Municipal Councils in the present Bill In order however that the rates may not be fixed unduly low power has been reserved to the Government to require the Municipal Councils to increase the income by imposing any new taxes or enhancing the rates of existing taxes

Surcharge

7 Power is given to the auditor to surcharge the President Councillors officers and servants for loss waste or misapplication of the Municipal fund This provision is necessary in order to safeguard the interests of the inhabitants of the Municipality

Rules

8 Though the existing Municipal Regulation gives power to the Minor Municipl Councils to frame bye laws many Municipal Councils have not framed bye laws and the administration of Minor Municipal Councils has been hampered by the absence of bye laws It has been considered expedient to take away from the Minor Municipal Councils the power to frame bye laws and to retain in the hands of the Government the power to make rules to regulate all matters concerning Minor Municipalities and to prescribe punishments for violation of rules

THE MYSORE MINOR MUNICIPALITIES BILL

References and Reasons

A Bill to make better provision for the administration of small Municipalities in Mysore

Whereas it is expedient to make better provision for the administration of small Municipalities in Mysore it is hereby enacted as follows —

CHAPTER I

PRELIMINARY

Short title

1 (1) This Regulation may be called the Mysore Minor Municipalities Regulation

Local extent

(2) It extends to the whole of Mysore

Repeal

2 (1) In the Mysore Municipal Regulation 1906 sub clauses 1A) and (1B) of section 3 the words City Town or Minor in section 8 A and Chapter XIV shall be repealed

(2) In section 173A of the same Regulation for the words any Town or Minor Municipal Council in the two places where they occur the words any Municipal Council which is not a City Municipal Council shall be substituted

Clause 2 This is consequential as the administration of the Minor Municipalities will be governed by a seperate Regulation

(3) In clause (*a*) of section 179A of the same Regulation for the words ' two or more Town or Minor Municipal Councils in the same District or between a Town or Minor Municipal Council the words two or more Municipal Councils in the same District and none of them is a City Municipal Council or between a Municipal Council which is not a City Municipal Council shall be substituted

Interpretation clause

3 In this Regulation unless there be something repugnant in the subject or context—

[Bom Bor 3 and Mys (3)]

(1) Building shall include any hut shed or other enclosure whether used as a human dwelling *or for any other purpose* and shall also include walls, verandahs fixed platforms plinths, door steps and the like

(2) Councillor shall mean any person legally a member of a Municipal Council

(3) Dangerous disease shall mean cholera plague small pox and any

endemic, epidemic, or infectious disease by which the life of man is endangered.

(4) "Land" shall include land which is built upon or covered with water

(5) "Municipal Council" shall mean a Municipal Council constituted under this Regulation

(6) "Nuisance" shall include any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smelling or hearing, or which is or may be dangerous to life or injurious to health or property

[Bom Reg 3 (14)] (7) "Owner" shall include the person for the time being receiving the rent of any land or building, whether on his own account, or as agent or trustee for any other person or for any society or for any religious or charitable purposes, or who would so receive the rent if such land or building were let to a tenant

(8) "Prescribed" means prescribed by any rule made under this Regulation

[New] (9) "Public securities" shall mean—

~~(a) securities of the Government of India~~

(a) securities of the Government of Mysore

~~(c) debentures or other securities for money issued by or on behalf of any local authority in exercise of powers conferred by a law in force in Mysore, or~~

(b) a security expressly authorised by any order which the Government makes in this behalf

[Mysore 3 (12) omitting Sub-clause (c)] (10) "Public street" shall mean any street—

(a) over which the public have a right of way, or

(b) heretofore levelled, paved metalled, channelled, sewered or repaired, out of Municipal or other public funds.

(11) "Salaried servant of the Government" shall not include a retired servant of the Government in receipt of a pension, or a person in receipt of salary from the Government who is not a full time servant of the Government

(12) "Street" shall mean any road, footway, square, court, alley or passage accessible whether permanently or temporarily to the public whether a thoroughfare or not, ~~and shall include every vacant space, notwithstanding that it may be private property, and partly or wholly obstructed by any gate, post, chain, or other barrier, if houses, shops or other buildings abut thereon and if it is used by any persons as a means of access to or~~

Potential Municipalities designated under the Regulation of 1902 with a population of 2000 then 5,000 to be Minor Municipalities.

from any public place or thoroughfare whether such persons be occupiers of such buildings or not but shall not include any part of such space which the occupier of any such building has a right at all hours to prevent all other persons from using as aforesaid

(13) Tax shall include any toll rate cess fee or other impost leviable under this Regulation

(14) Vehicle shall include bicycles, tricycles automotor cars and every wheeled conveyance which is used or capable of being used on a public street

(15) 'Whole number' shall mean when used with reference to the councillors of a Municipal Council the total number of councillors holding office at the time

CHAPTER II

THE MUNICIPAL CONSTITUTION AND GOVERNMENT

Procedure for constituting a Municipality

4 (1) The Government may by notification in the official gazette and by proclamation in the area concerned—

[P S T 3 modified]

with a population of less than 5,000 but not less than 3,000 according to the latest census.

(a) propose with effect from a date specified therein to declare any local area to be a minor Municipality which shall for the purposes of this Regulation be called Municipality or from time to time to extend contract or otherwise alter the limits of any Municipality or to declare that any local area shall cease to be a Municipality

(b) define the limits of any Municipality for the like purposes.

Any inhabitant desirous of preferring any objection

(2) Should any inhabitant desire to object to a notification issued under sub section (1), he may within three months from the date of its publication in the official gazette submit his objection in writing through the Deputy Commissioner to the Government, and the Government shall take his objection into consideration

After the expiry of

(3) When three months from the date of the publication of the notification in the official gazette have elapsed, and the Government have considered and passed orders on such objections as may have been submitted to them the Government may by notification declare the local area to be or to cease to be a Municipality or to be excluded from or included in a Municipality for the purpose of this Regulation

and consideration of

I & L Code 1921

of 1921

shall be Minor Municipalities for this section.

(4) A Unless the Government otherwise direct, all permanent Municipalities constituted under section 4 of the Madras Municipal Regulation

after consulting the Muni Council concerned and considering objections, if any,

4

[New]

Clause 5 —This provides for the conversion of existing Municipalities for which the provi sions of the existing Regulation are found to be too complex into Minor Municipalities Power is also reserved to bring them back under the provisions of the existing Regulation when such a course is considered expedient

5 (1) The Government may at any time declare by notifica tion in the official gazette that any permanent Municipality constituted under section 4 of the Mysore Municipal Regulation 1906 shall with effect from a date to be specified in the declaration be deemed to be a ~~minor~~ Municipality constituted under this Regu lation and may at any time cancel such declaration

(2) The provisions of the Mysore Municipal Regulation 1906 shall not apply to any Municipality declared as a minor Municipality under sub section ( ) with effect from the date specified in the declaration

Provided that—

[Bom Bor 5]

(a) reference in any other enact ment or in any instrument to the Mysore Municipal Regulation 1906 shall unless a different intention appears be construed in respect of any minor Municipality as references to this Regulation

[b) any appointment notification notice tax order scheme licen e permission rule or form made issued or imposed under the Mysore Municipal Regulation 1906 in respect of a permanent Municipality declared as a minor Muni cipality so far as is not inconsistent with the provisions of this Regulation and any appointment notification order scheme rule or form made or issued under any other law in respect of such Municipality shall continue in force and be deemed to have been made issued or imposed under the provisions of this Regulation or of such other law in respect of the minor Municipality constituted by such declara tion unless and until it is superseded by any appointment notification notice tax, order scheme license permission rule or form made or issued under this Regulation or such other law

[Bom Bor 6]

(3) The property rights and lia bilities of a permanant Municipality declared as a minor Municipality under sub section (1) shall vest in the Council of the minor Municipality from the date specified in the notification

[Bom Bor 5 (2)]

(4) From the date specified in a notification cancelling a declaration under sub section (1) in respect of a Municipality it shall cease to be a minor Municipality and the provisions of the Mysore Munici pal Regulation 1906 shall apply to it

6 (1) Except as in this Regulation otherwise expressly pro vided there shall be a Municipal Council for every Municipality and the Municipal

Government of every Municipality shall vest in the Municipal Council, ~~but the Municipal Council shall not be entitled to exercise functions expressly assigned by or under this Regulation or any other law to the President~~

[Bom Bor 8 modified]

Incorporation of Municipal Council

(2) The Municipal Council shall by the name of the Municipality be a body corporate and have perpetual succession and a common seal, and may sue and be sued through the President

Constitution of Municipal Council

(3) (a) The Municipal Council shall consist of councillors elected in accordance with the rules prescribed and of councillors if any appointed by the Government by name or by office

[c f Mys 10]

(b) The number of each class of councillors on each council shall be fixed from time to time by the Government and the number of elected councillors on any Municipal Council shall not be less than one half of the ~~whole~~ number of councillors and of the number of appointed councillors the salaried servants of the Government if any shall not exceed one half

(c) If a councillor is appointed by office the person for the time being holding the office shall be a councillor

(d) Any vacancies among councillors due either to want of candidates or to failure to elect the required number of councillors which under this section or section 11 may be elected may notwithstanding anything contained in this Regulation be filled up by the Government appointing a person qualified to be elected and any person so appointed shall be deemed to be a councillor as if he had been duly elected

(e) When a President appointed ~~or elected~~ under section 12 is not already a councillor he shall be an additional councillor and the one half of the ~~whole~~ number mentioned in clause (b) shall be exclusive of such President

[c f Mys 20]

Publication of names of elected and appointed Presidents

(4) The names of ~~all appointed councillors and of all elected~~ finally elected to any Municipal Council and the names of all elected or appointed Presidents shall be published as soon as conveniently may be in the official gazette

[V P 12 modified]

Term of office of councillors

7 Except as is otherwise provided in this Regulation, councillors shall hold office for a term of three years extensible by order of the Government to a term not exceeding in the aggregate

Qualification of voters.

6.A (1) Every person who has completed 21 years of age and has been residing in the Municipality for a period of not less than six months shall be entitled to vote at an ordinary election of members of the Municipal Council, unless disqualified.

Disqualification of voters.

6.B (1) No person shall be entitled to vote at any Municipal election, who -

(a) is not a British subject or a subject of Mysore or of any other Native State in India, or

(b) has been adjudged by a competent court to be of unsound mind.

Qualification of candidates.

6.C (1) Every person who is entitled to vote at a Municipal election and who is not disqualified to be a Councillor shall be qualified to be elected as a Councillor.

Disqualification of Councillors.

6. (1) (1) No person may become a Councillor if:-

(a) he is subject to any of the disqualifications prescribed for a voter; or

(b) he has been removed from office under Section 10; or

(c) he has been sentenced by a Criminal Court to imprisonment or chipping for an offence punishable with imprisonment for a term exceeding six months, such sentence not having been subsequently reversed or the offence pardoned, or

(d) he is adjudicated an insolvent; or

(e) he has been ordered to find security for good behaviour under Section 118 of the Criminal Procedure Code.

Provided that the disqualifications (1) under clause (b) will cease to

Determination of elections

candidate who stood for election at that election, may apply as security for costs to the within the local limits of should have been held, for the election

Powers of Municipal Court

to the provisions of sub-section (2) amending the declared result of the election. Besides for the purpose of the said or enforce the attendance of witnesses as if they were duly subpoenaed whole or any part of the costs the costs are to be paid by the whole of such costs and petitioners such proportion excess of the sum and the cation shall be recoverable under the Act.

order

Power to make order as to costs

Municipal Council to give effect to the necessary

operate after the expiry of three years from the date of such removal;

(2) under clause (e) will, in the case of persons sentenced to imprisonment for not exceeding three months, cease to operate after one year after the expiry of the term for which they were sentenced, and in all other cases after three years after the expiry of the same;

(3) under clause (e) will cease to operate after expiry of the period during which the person is ordered to furnish security.

(2) If any person, elected, or nominated

(a) is or becomes subject to any of the disqualifications mentioned in sub-section (1) or

(b) not being a President or a salaried servant of the Government, absents himself from three successive ordinary general meetings of the Council, except with the leave of the Council, or

(c) fails to pay any moneys of any kind due by him to the Municipal Council within three months after a special notice in this behalf is served upon him, his seat shall be deemed to be vacant.

(3) If any question, dispute, or doubt arises whether any vacancy has occurred under this Section, the orders of the Government shall be final for the purpose of deciding such question, dispute or

L D. (1) "At any time within ten days after the date of the declaration of the result of an election of a Councillor or of a President under clause (a) of sub-section (1) of section 12, any candidate who stood for election or any ten persons qualified to vote at that election, may apply together with a deposit of fifty rupees as security for costs to the Munsiff within the local limits of whose jurisdiction the election has been or should have been held, for the determination of the validity of the election.

Determination of validity of elections.

Powers of Munsiff holding enquiry

(2) The Munsiff may, after such inquiry as he deems necessary, and subject to the provisions of sub-section (3), pass an order confirming or amending the declared result of the election, or setting the election aside For the purpose of the said enquiry, the Munsiff may summon or enforce the attendance of witnesses and compel them to give evidence as if he were a Civil Court and he may also direct, by whom the whole or any part of the cost of any such inquiry shall be paid. If the costs are to be paid by the candidate whose election is contested the whole of such costs and if the costs are to be paid by the petitioner or petitioners, such portion, if any, of the costs as is in excess of the sum paid at the time of the presentation of the application, shall be recoverable as if it had been awarded in a suit duly under the Code of Civil Procedure The procedure prescribed in the Code of Civil Procedure shall, as far as possible, be followed in such enquiries. An appeal shall lie to the Chief Court from the order of the Munsiff, provided it is only on a point of law and is preferred within fifteen days from the date of such order exclusive of the time requisite for obtaining a copy of the order If the Munsiff sets aside an election, a date shall forthwith be fixed and the necessary steps taken for holding a fresh one.

Declaration in case of corrupt practice by candidate.

(3) (a) The Judge if satisfied that a candidate has, within the meaning of sub section (4) committed any corrupt practice for the purpose of the election, shall declare the candidate disqualified both for the purpose of that election and of such fresh election as may be held under sub section (2) and shall set aside the election of such candidate if he has been elected

Scrutiny of votes and declaration in other cases

(b) If in any case to which clause (a) does not apply the validity of an election is in dispute between two or more candidates, the Judge shall after a scrutiny and computation of the votes recorded in favor of each such candidate declare the candidate who is found to have the greatest number of valid votes in his favor to have been duly elected

Provided that for the purpose of such computation no vote shall be reckoned as valid if the Judge finds that any corrupt practice was committed by any person known or unknown, in giving or obtaining it

What are corrupt practices

(4) A person shall be deemed to have committed a corrupt practice within the meaning of the last preceding sub section —

(i) who with a view to inducing any voter to give or to refrain from giving a vote in favor of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit, or holds out any threat of injury to any person or,

(ii) who gives procures or abets the giving of a vote in the name of a voter who is not the person giving such vote

Candidate when deemed to have committed corrupt practice

And a corrupt practice shall be deemed to have been committed by a candidate if it has been committed with his knowledge and consent or by a person who is acting under the general or special authority of such candidate with reference to the election

Promise of individual profit

EXPLANATION —A promise of individual profit includes a promise for the benefit of the person himself or of any one in whom he is interested It does not include a promise to vote for or against any particular municipal measure

Mere irregularity and informality not to void election

(5) If the validity of the election is brought in question only on the ground of an error by the officer or officers charged with carrying out the rules made under clause (c) of section 14, or of an irregularity or informality not corruptly caused the Judge shall not set aside the election

Disqualification of candidate for corrupt practice

(6) If the Judge sets aside an election under clause (a) of sub section (3) he may if he thinks fit, declare any person by whom any corrupt practice has been committed within the meaning of this section, to be disqualified from being a candidate in that or any other municipality for a term of years not exceeding seven and the Judge's decision shall be conclusive provided however that such person may by an order which the Government is hereby empowered to make if it shall think fit, in that behalf, be at any time relieved from such disqualification.

Meetings.

18. (1) Every Municipal Council shall hold an ordinary general meeting in each month for the disposal of general business and the President shall fix the date for his ordinary general meetings. The President may, whenever he thinks fit, and shall upon the written request of not less than one-third of the whole number of Councillors and for a date not more than fifteen days after the presentation of such request, call a Special Meeting.

(2) No business shall be transacted at any meeting of a Municipal Council unless one-third of the whole number of councillors be present. If there is no quorum, the presiding authority shall adjourn the meeting to such hour on the following or some other future day as he may reasonably fix, and the business which would have been brought before the original meeting and there from a quorum present shall be brought before the adjourned meeting and may be disposed of at such meeting. Provided that the President ~~at such meeting, failing him the Presid~~ may in respect of urgent items of business not included in the agenda and not considered for want of a quorum at the adjourned meeting assume and exercise the powers of Municipal Council and submit a report of action taken immediately to the Deputy Secretary.

four years, if on any occasion the Government shall think fit so to extend the same. The term of office of a President shall be co-terminous with or be the residue of his term of office as councillor

[s. 1 P S. T 49]

Clause 8.—This provides for the dissolution of the Municipal Council for persistent default or for exceeding or abusing its powers. Till a new Municipal Council is constituted Government will appoint one or more commissioners to carry on the duties of the Municipal Council

Dissolution of Municipal Council and appointment of Commissioner or Commissioners to exercise the powers of the Municipal Council

8 (1) If, in the opinion of the Government a Municipal Council persistently makes default in the performance of the duties imposed on it or exceeds or abuses its powers, the Government may by notification declare the Municipal Council to be dissolved

(2) On the dissolution of a Municipal Council all councillors of the Municipal Council shall from the date specified in the notification vacate their seats and in place of the Municipal Council the Government shall appoint one or more Commissioners who shall hold office for such period as the Government from time to time determine and may, subject to the orders of the Government in this behalf, during that period exercise all the powers and perform all the duties of the Municipal Council and the President under this Regulation

(3) All properties, assets, rights and liabilities of the Municipal Council existing immediately prior to their appointment shall devolve on the said Commissioner or Commissioners during their term of office.

[Mys. 15 A modified]

Resignation of councillors and President.

9 A Councillor including the President may resign his office by giving notice in writing to that effect to the Municipal Council. The letter of resignation shall be placed before the Municipal Council at its next meeting and the resignation shall take effect from the date of such meeting

[Upper Burma 27 modified]

Liability of councillors for removal from office.

10. The Government may, if they think fit, on the recommendation of the Municipal Council made after due enquiry in which the councillor shall have the right to be heard, remove any councillor if such councillor has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or has become incapable of performing his duties as a councillor.

Provided that the recommendation is supported by at least two-thirds of the whole number of councillors.

[s. 1 Mys. 18 and V P 17]

Casual vacancies among councillors and President how to be filled up.

11 If any casual vacancy occurs in the office of a councillor or the President, the vacancy shall be filled up, as soon as it conveniently may be, by the

(a) by the general body of voters when so directed by the Government and
(b) by the Municipal Council

[Mys 23 modified]

(a) No person shall be elected by the Municipal Council under clause (b) of this sub-section unless he secures the votes of not less than one-half of the whole num-

Clause 12 —The President may be a non official gentlemen and there will be no Vice President In order that the executive administration may not suffer during a vacancy in the office of the President provision has been made for the Amildar taking the place of the President automatically till the vacancy is filled up

resident, may also be removed from his office as such President by the Government, if a resolution for such removal is passed by three-fourths of the whole number of Councillors of the municipal Council at a meeting specially convened in that behalf.

[cf Mys 23 (6)]

election or appointment as the case may be of a person thereto, who shall hold office so long only as the councillor or President in whose place he is elected or appointed would have held it if the vacancy had not occurred

Election or appointment of President

12 (1) For every Municipal Council there shall be a President who shall be elected by the Municipal Council from among its non official councillors in such manner as may be determined by the Municipal Council, in other cases.

Provided that

(a) in the case of any such Municipal Council as they deem fit the Government may for default of election or for any other reason, appoint the President by name or by office In exceptional cases

(b) during a vacancy in the office of the President the Amildar of the Taluk if he is not the President shall exercise all the powers and perform all the duties of the President and he shall during such period be deemed to be a councillor if he is not already a councillor

(2) A President may be removed from his office as such President by the Government after an opportunity giving him afforded for hearing him

(a) for misconduct in the discharge of his duties or neglect of or incapacity to perform his duties or

(b) for omitting or refusing to carry out any resolution of the Municipal Council without sufficient excuse in the opinion of the Government

(3) Except in the case of an *ex officio* President no President shall absent himself from the Municipality for a period exceeding fifteen days without the permission of the Deputy Commissioner and no leave shall be granted for a period exceeding three months

[Mys 26 (1)]

Meetings

13 (1) Every Municipal Council shall meet for the transaction of business at least once each month

[cf Mys 26 (7)]

Clause 13 —Under the existing Regulation no quorum is necessary for transacting business at adjourned meetings. In the District Boards Regulation a quorum of 5 members even in the case of adjourned meetings is insisted on One third of the whole number of Councillors is fixed as quorum both for original and adjourned Meetings

[cf Mys 26 (7)]

(2) No business shall be transacted at any meeting of a Municipal Council unless one third of the whole number of councillors be present

(3) Every meeting of the Municipal Council shall be presided over by the President if he is present, or if the President is absent by such one of the councillors present as may be chosen by

(2) The term of office of a President shall
(a) be co-terminous with or be the residue of his term of office as Councillor, if he is elected under clause (a) of sub-section (1) or appointed by the Government.
(b) be for such period not exceeding its own term as the Municipal may fix at the time of e[illegible] if he
(b) of

the meeting to be chairman for the occasion

[s. 7 Dt. Bd 29 (2) (1)]

(4) Except as otherwise provided, all questions before a Municipal Council shall be decided by a majority of the councillors present and voting The presiding authority, unless he refrains from voting, shall give his vote before declaring the number of votes for and against a question and then in case of equality of votes he shall give his casting vote.

[s. 7 Dt. Bd. 29 (2) (g)]

(5) No councillor shall vote on, or take part in, the discussion of any matter before any meeting of the Municipal Council, if the question is one in which apart from its general application to the public, he has any direct or indirect pecuniary interest by himself or his partner

[Mad. 28 (2).]

(6) The presiding authority shall preserve order and shall decide all points of order and procedure arising at or in connection with meetings. There shall be no discussion on any point of order and the decision of the presiding authority thereon shall be final

[Rang. (6) modified.]

(7) A minute containing the names of the councillors present, an account of the proceedings and a statement of every resolution adopted by the Municipal Council at every meeting shall be recorded in a book to be kept for the purpose and shall be signed by the presiding authority of the meeting and a copy thereof shall be submitted to the Deputy Commissioner within two days from the date of the meeting

[s. 7 Mys. 28 B. (2)]

14. (1) Every councillor shall have access during office hours to the records of the Municipal Council after giving due notice to the President, provided that the President may for reasons given in writing forbid such access.

Rights and privileges of Municipal councillors.

[s. 7 Mys. 28 B. (1)]

(2) A councillor may call the attention of the President to any neglect in the execution of the Municipal work, to any waste of Municipal property, or to the wants of any locality and may suggest any improvements which he considers desirable.

[Mys. 28 (14) modified.]

15 Any officer of the Government authorised by the Government in this behalf, shall if he be not already a councillor, be entitled to attend any meeting of the Municipal Council and to address the Municipal Council on any matter under discussion affecting his Department.

Certain Government officers entitled to attend and speak at meetings of Municipal Council.

[Dt Bd 29 (5)]

[c f Dt Bd 41]

16 (1) During any vacancy in a Municipal Council the continuing councillors may act as if no vacancy had occurred

Validity of acts of Municipal Council

(2) No act or proceeding of a Municipal Council council lor or President shall be deemed to be invalid by reason only of some defect in the constitution of such Municipal Council or the election or appointment of such councillor or President or on the ground that they or any of them were disqualified for such office or that formal notice of the intention to hold a meeting of the Council was not duly given or by reason of such act or proceeding having been done during the period of any vacancy in the office of the President or councillor or for any other such informality

CHAPTER III

Functions and Liabilities

[C P 50 & Dt Bd 45]

Clause 17 The functions of the Municipal Councils have been clearly defined as in the Central Provinces Act and power is taken to the Government to direct that a measure not specified expressly in sub clause (1) shall be an obligatory duty of the Municipal Council ause (2) provides t suit for damages o nce shall be main e groun any of the gatory duties have not been perfo It is considered unnecessary to detail at length in sub clause (3) the discretionary duties as in the present Municipal Regulation

(2)

Every Municipal Council shall, so far as the funds at its disposal will permit,

17 (1) In addition to the duties imposed on it by or under this Regulation or any other law for the time being in force and subject to such exceptions and conditions as the Government may from time to time make or impose and by any means or measures which it is lawfully competent for the Municipal Council to use it shall be the duty of the Municipal Council to undertake and make reasonable provision for the following matters within the limits of the Municipality and when effective provision cannot otherwise be made without these limits namely —

Obligatory duties

(*a*) lighting public streets places and buildings

(*b*) cleansing public streets places and sewers and all spaces not being private property which are open to the enjoyment of the public whether such spaces are vested in the Municipal Council or not removing noxious vegetation and abating all public nuisances

(*c*) disposing of night soil and rubish

(*d*) extinguishing fires and protecting life and property when fires occur

(*e*) regulating or abating offensive or dangerous trades or practices

(*f*) removing obstructions and projections in public streets or places and in spaces not being private property which are open to the enjoyment of the public whether such spaces are vested in the Municipal Council or belong to the Government

(*q*) securing or removing dangerous buildings or places

(*h*) acquiring and maintaining changing and regulating places for the disposal of the dead

(*i*) constructing, altering and maintaining public streets, culverts municipal boundary marks markets slaughter houses latrines privies urinals drains, sewers and providing public facilities for drinking water

(*j*) providing a supply of water proper and sufficient to prevent danger to the health of the inhabitants and their domestic cattle

(*k*) naming streets and numbering houses

(*l*) registering births and deaths

(*m*) public vaccination

(*n*) establishing and maintaining public hospitals and dispensaries and providing public medical relief

(*o*) promoting the development of economic condition with special reference to Education Agriculture and Industries and Commerce

(*p*) taking such measures as may be required to prevent the outbreak spread or recurrence of dangerous diseases,

(*q*) any measure not specified above when directed by the Government

[C P 50 (2,)]

(2) No suit for damages or for specific performance shall be maintainable against any Municipal Council President Councillor Officer or servant on the ground that any of the duties specified in sub section (1) have not been performed

(3) In addition to the duties under taken by it under the provisions of this Regulation or of any other law for the time being in force it shall be within the discretion of any Municipal Council to undertake and make provision for the following matters within the limits of the Municipality namely —

[New c f Mys 56]

(*a*) with the previous sanction of the Deputy Commissioner any public reception ceremony entertainment or exhibition within the Municipality

(*b*) subject to the exceptions and conditions that may from time to time be imposed by the Government any measure not specified in this sub section or sub section (1) ~~likely to promote the public safety, health or convenience~~

[Dt Bd 42 and V P 4 (2)]

18 Subject to the rules prescribed every Municipal Council shall have power to acquire and hold property both movable and im

movable whether within or without the limits of the Municipality and to enter into contracts for all or any of the purposes of this Regulation

Provided that nothing in this Section shall empower any Municipal Council to raise loans except as provided for in section 46 and without the previous sanction of the Government

[C P 40]

19 When any land whether within or without the limits of the Municipality, is required for the purposes of this Regulation the Government may at the request of the Municipal Council proceed to acquire it under the provisions of the Land Acquisition Regulation 1894 and on payment by the Municipal Council of the compensation awarded under that Regulation and of any other charges incurred by the Government in connection with the acquisition the land shall vest in the Municipal Council

Acquisition of land

Explanation.—When any land is required for a new street or for the improvement of an existing street the Municipal Council may proceed to acquire in addition to the land to be occupied by the street the land necessary for the sites of the buildings to be erected on the sides of the street and such land shall be deemed to be required for the purposes of this Regulation

[Mad 13]

20 The President of the Municipal Council shall—

Powers and duties of the President

(a) make arrangements for the elections under this Regulation

(a) (a) convene the meetings of the Municipal Council

(b) (b) carry into effect the resolutions of the Municipal Council

(c) (c) furnish to the Municipal Council such periodical reports regarding the progress made in carrying out its resolutions and in the collection of taxes as it may direct

(d) (d) perform all the duties and exercise all the powers specifically imposed or conferred on the President by this Regulation or the rules thereunder and subject whenever it is expressedly so provided to the sanction of the Municipal Council and subject to all other restrictions limitations and conditions imposed exercise the executive power for the purpose of carrying out the provisions of this Regulation and be directly responsible for the due fulfilment of the purposes of this Regulation

[Mys 37 modified]

21 Any powers or duties or executive functions which may be exercised or performed by or on behalf of the Municipal Council may subject to the conditions and limitations that may be imposed by the Municipal Council be delegated to the President or to one or more stipendiary or honorary officers but without prejudice to any powers that may be exercised or may have been conferred on the President and each person who exercises any power or performs any duty or function so delegated may be paid all expenses necessarily incurred by him therein.

Power of delegation by President to other persons who may be paid for the same

[V P Rule 23 issued under notification No L 3606—L B 26 26 10 of 3 12 26]

22 (1) The President may summon any person in the Municipality either to give evidence or to produce or cause the production of documents as the case may be in respect of any question relating to taxation or to the grant of any license or permission under this Regulation and such person shall obey such summons unless prevented from doing so for sufficient reasons

Power of President to summon witnesses

(2) Every summons for the attendance of a person to give evidence or to produce a document shall specify the time and place at which he is required to attend and also whether his attendance is required for the purpose of giving evidence or to produce a document or for both purposes and any particular document which the person summoned is called on to produce shall be described in the summons with reasonable accuracy

[V P 34 and Dt Bd 89]

23 (1) Every Municipal Council shall employ such officers and servants as are necessary for the efficient carrying out of the purposes of this Regulation and shall give them such pay allowances gratuities and pensions as ~~the Government may direct~~

Municipal staff

[Dt Bd 90]

(2) The recruitment pay, leave punishment transfer pensions gratuities leave absentee and travelling allowances and all other matters relating to the officers and servants of Municipal Councils shall be regulated by ~~the Mysore Service Regulations and~~ the rules prescribed or the special or general orders of the Government in this behalf

[Bom Bor 56 and Mad 122]

24 (1) Every Auditor President Councillor Officer or servant and every lessee of the levy of any municipal tax and every servant or other person employed by any such lessee shall be deemed to be a public servant whithin the

Municipal

meaning of section 21 of the Indian Penal Code

(2) The word "Government" in the definition of legal remuneration in Section 161 of that Code shall for the purposes of sub section (1) of this section be deemed to include a Municipal Council

[Dt Bd 37]

25 (1 (a) Except as is otherwise provided in this Regulation no President or Councillor shall be personally liable in respect of any contract or agreement made or for any expense incurred by, or on behalf of the Municipal Council the Municipal fund at the disposal of each Municipal Council shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses

Municipal Fund ordinarily liable for all standing charges incurred

in exercise of the powers vested in him under the provisions of this Regulation;

any

[Mad 353 (1) and Dt Bd 37

(b) Provided that every President and Councillor shall be liable for the loss waste or misapplication of any money or other property owned by or vested in the Municipal Council if such loss waste or misapplication is a direct consequence of his neglect or misconduct and in such cases the Deputy Commissioner may after giving the President and Councillor a sufficient opportunity for showing cause to the contrary by order in writing direct him to pay to the Municipal Council before a date fixed the amount required to reimburse it for the loss waste or misapplication and if he fails to do so a suit for compensation may be instituted against him by the Deputy Commissioner or with the sanction of the Deputy Commissioner by the Municipal Council

Liability of President and Councillor for loss waste or misapplication of money

or

at the cost of

on behalf of the Municipal Council,

[New of Mad 353 (2)]

(2) Every such suit shall commence within three years after the date on which the cause of action arose Provided that in computing the period of three years the period between the date of the order to pay and the date fixed for payment shall be excluded

from

after the expiry of

[C P 49 (5)]

(3) A suit instituted under sub section (1) shall not be subject to the provisions of sub sections (1) and (2) of section 26

[Dt Bd 37]

(4) The amount if any, recovered by the Deputy Commissioner under sub section (1) shall after deducting therefrom the necessary expenses incurred for the recovery be delivered to the Municipal Council

[C P 48 and Dt Bl 101]

Clause 26 Under Section 167 of the present Municipal Regulation only one month s notice is necessary for commencing any suit against any Municipal Council officer or servant As in the District Boards and Village Panchayats Regulations notice of 2 months is provided for in the Bill

25 (1) No suit shall be instituted against any Municipal Council or any President councillor officer or servant thereof or any person acting under the direction of any such Municipal Council Councillor officer or servant for anything done or purporting to be done under this Regulation until the expiration of two months next after notice in writing stating the cause of action the name and place of abode of the intending plaintiff and the relief which he claims has been in the case of a Municipal Council delivered or left at its office and in the case of any such President Councillor officer or servant or person aforesaid delivered to him or left at his office or usual place of abode and the plaint shall contain a statement that such notice has been so delivered or left

(2) Every such suit shall unless it is a suit for the recovery of immovable property or for a declaration of title thereto be dismissed if it is not instituted within six months after the accrual of the alleged cause of action

(3) Nothing in this Section shall be deemed to apply to any suit instituted under Section 54 of the specific Relief Act 1877

C P 47]

(4) No suit shall be maintainable against any Municipal Council or any President Councillor officer or servant thereof or any person acting under the direction of any such Municipal Council President officer or servant in respect of anything lawfully and in good faith ~~and with due care and attention~~ done under this Regulation or any rule made thereunder

[Mys 165]

27 (1) The Municipal Council or the President of the Municipal Council may compound or compromise in respect of any suit instituted by or against it or in respect of any claim or demand arising out of any contract entered into under this Regulation for such sum of money or other compensation as shall be deemed sufficient

Provided that if any sanction in the making of any contract is required by or under this Regulation or the rules thereunder the like previous sanction shall be obtained for compounding or compromising any claim or demand arising out of such contract

(2) The Municipal Council or the President with the approval of the Municipal Council may make compensation

out of the Municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the Municipal Council, the President and the officers and servants of the Municipal Council under this Regulation or the rules thereunder

CHAPTER IV

CONTROL.

[V P 43]

Chief controlling authority

28 (1) The Government shall be the chief controlling authority in respect of all matters relating to the administration of minor Municipalities

[New c f V P 44]

Clause 28 The Government is made the chief controlling authority in respect of all matters relating to the administration of Minor Municipalities and subject to the control of the Government the Deputy Commissioner and subject to the control of the Government and the Deputy Commissioner the Assistant Commissioner are empowered to exercise the powers in respect of supervision and control over Municipal Councils Provision has been made for conferring on the holder of any alienated village constituted as a Municipality all or any of the powers of the Assistant Commissioner or the Deputy Commissioner This is necessary to meet the special requirements of Swagerj Provision is also made for the delegation of the powers of Government under the Regulation

(2) Subject to the general control of the Government and of the Deputy Commissioner of the District the Assistant Commissoner in charge of the Taluk in which the Municipality is situated and in the absence of such an officer the Deputy Commissioner of the District subject to the control of the Government, shall exercise general powers of inspection supervision and control over the Municipal Councils within his jurisdiction

Provided that nothing in this sub section shall be deemed to authorise any Assistant Commissioner to act under section 37

Provided further that the Government may confer on the holder of any alienated village which is constituted as a Municipality under this Regulation all or any of the powers of an Assistant Commissioner or Deputy Commissioner under this Regulation

(3) The Government may by notification authorise any person to exercise any one or more of the powers vested in them by this Regulation and may in like manner withdraw such powers

[c f Dt Bd 91 and Cal 19]

Power of Assistant Commissioner Deputy Commissioner to command proceedings of Municipal Council

29 The Government, the Deputy Commissioner or the Assistant Commissioner may by order in writing annul or amend any proceedings or resolution of a Municipal Council which they or he may consider to be not in conformity with the provisions of this Regulation or any other law or order in force and may do all things necessary to secure such conformity

[c f Mad. 34]

Power of Assistant Commissioner Deputy Commissioner to control for purposes of control

30 (1) The Assistant Commissioner or the Deputy Commissioner may enter on and inspect or cause to be entered on and inspected any immovable property

or any work in progress under the control of the President or the Municipal Council in his jurisdiction

( ) The Government, the Deputy Commissioner or the Assistant Commissioner may

(*a*) call for any record correspondence plan or other document in the possession or under the control of any Municipal Council

(*b*) require any Municipal Council to furnish any return plan, estimate statement account or statistics

(*c*) require any Municipal Council to furnish any information or report on any Municipal matter

(*d*) record in writing for the consideration of the Municipal Council any observations which they or he may think proper in regard to the proceedings or duties of the President or the Municipal Council

[Mys. 173 A modified]

31 Subject to the rules prescribed In p t M p l Offi the Deputy Commissioner or the Assistant Commissioner shall have power to inspect the office of any Municipal Council in his jurisdiction and to call for any record correspondence plan or document in the possession or under the control of such Municipal Council or its President and deal with any case under Section 29 or submit it for such orders as the Government may deem fit to pass

[P S T 47]

32 The Deputy Commissioner ~~or the Assistant Commissioner~~ may by order in writing suspend the execution of any resolution or order of a Municipal Council if in his opinion such resolution or order is in excess of the powers conferred on the Municipal Council by law or if the execution of such resolution or order is likely to lead to a breach of the peace or to cause injury or annoyance to the public or any class or body of persons

[c f P S T 48]

33 In cases of neglect or refusal on the part of the Municipal Council to perform any prescribed duty or in cases of emergency the Deputy Commissioner ~~or the Assistant Commissioner~~ may perform or cause to be performed such duty or any work which the Municipal Council is empowered to execute or perform as the case may be and anything done by the Deputy Commissioner ~~or the Assistant Commissioner~~ in exercise of the powers conferred by this section shall be deemed to have been done by the Municipal Council and the

34 A [illegible] If, in the opinion of the Government a Municipal Council persistently makes default in the performance of the duties imposed on it or exceeds or abuses its powers, the Government may by an order published with the reasons for making it in the official Gazette, declare the Municipal Council to be dissolved.

Dissolution of Municipal Council and appointment of Commissioner or Commissioners to exercise the powers of the Municipal Council.

(2) On the dissolution of a Municipal Council, all councillors of the Municipal shall from the date specified in the notification vacate their seats and in place of the Municipal Council the Government shall appoint one or more persons as Commissioners who shall hold office for such period as the Government from time to time determine and may, subject to the orders of the Government in this behalf, during that period exercise all the powers and perform all the duties of the Municipal Council and the President under this Regulation.

(3) All properties, assets, rights and liabilities of the Municipal Council existing at the time of the their appointment shall devolve on the said Commissioner or Commissioners during their term of office

expenses incurred therefor shall be paid out of the Municipal Fund

[Mys 176 modified]

Special provision in regard to work executed by the Government

34 (1) Notwithstanding anything contained in this Regulation the Government may at any time—

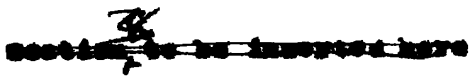
(*a*) construct any work of a permanent nature which in the opinion of the Government is necessary or desirable for the health safety or convenience of the inhabitants of a Municipality, whether it be within the Municipality or without it wholly or in part

(*b*) retain the management and maintenance of any such work or entrust the same in whole or in part to the Municipal Council or resume the same from the Municipal Council

(*c*) recover the capital cost of any such work and of it management and maintenance together with interest thereon at such rate as the Government may fix from the Municipal fund or from the proceeds of any tax or taxes imposed under this Regulation

(2) It shall be the duty of any person who for the time being has custody of any moneys on behalf of any Municipal Council to pay from such moneys as he may have in his hands or may from time to time receive all amounts directed by the Government to be paid by the Municipal Council under clause (c) of sub-section (1)

[Mad 42]



Power of Commissioner or Deputy Commissioner or person appointed by him or Government lawfully acting on default of Municipal Council

When the Assistant Commissioner or the Deputy Commissioner or any person appointed by him or the Government lawfully takes action on behalf of or in the default of a Municipal Council under this Regulation he shall have power to make such contracts as are necessary for the purpose and shall be entitled to the same protection under this Regulation as the Municipal authority whose powers he exercises and any compensation shall be recoverable from the Municipal fund by persons suffering damage from the exercise of such powers to the same extent as if the action had been taken by such Municipal authority

Section 34B
* See next page
35. Inserted

[C F Mad 38]

Appointment of Inspectors

36 (1) The Government may appoint such Inspectors as may be required for the purpose of inspecting or superintending the operation of all or any of the Municipal Councils constituted under this Regulation

Clause 36 Power is taken to appoint Inspectors for the purpose of inspecting or supervising the operations of Municipal Councils

(2) All institutions maintained in whole or in part by any Municipal Council and all registers books accounts and

34 B

Government inquiry into Municipal matter

(1) The Government may order an inquiry to be held by any officer appointed by it in this behalf into any matters concerning the Municipal administration of any Municipal area or any matters with respect to which sanction approval or consent is required under this Regulation or the rules made thereunder

(2) The officer holding such inquiry shall for the purpose thereof have the powers which are vested in a court under the Code of Civil Procedure in respect of the following matters —

(a) discovery and inspection
(b) enforcing the attendance of witnesses and requiring the deposit of their expenses
(c) compelling the production of documents
(d) examining witnesses on oath
(e) granting adjournments
(f) reception of evidence taken on affidavit and
(g) issuing commissions for the examination of witnesses and may summon and examine *suo motu* any person whose evidence appears to him to be material and shall be deemed to be a Civil Court within the meaning of Sections 480 and 482 of the Code of Criminal Procedure Regulation II of 1904

Explanation —For the purpose of enforcing the attendance of witnesses the local limits of such officer's jurisdiction shall be the limits of the Mysore State

(3) The reasonable expenses incurred by any person in attending to give evidence may be allowed by the officer holding the inquiry to such person and shall be deemed to be part of the costs

(4) Costs shall be in the discretion of the Government and the Government shall have full power to determine by and to whom and to what extent such costs are to be paid and to allow interest on costs at a rate not exceeding 6 per cent per annum and such costs and interest shall be leviable as an arrear of land revenue

complaint from not less than one-half of the rate-payers in a Municipality against the administration by the Municipal council or of Government

Explanation

For the purposes of this Section and of Section 34 A, the word "rate-payers" means persons assessed to taxes specified in clauses (b), (h) of Sub Section (1) of Section 51

31

other documents relating thereto shall at all times be open to the inspection of the Inspector appointed under sub section (1) and Municipal authorities and Municipal officers and servants shall ~~be bound~~ to afford to Inspectors such access at all reasonable times to Municipal property or premises and to all records, accounts and other documents which subject to the rules prescribed they may consider to be necessary to enable them to discharge their duty of inspection and superintendence

[c f Mys 179 (1)]

37 (1) If any dispute for the decision of which this Regulation does not otherwise provide exists between a Municipal Council and one or more other local authorities in regard to any matters arising under the provisions of this Regulation or any other law and the dispute is not amicably settled

Dispute

(a) the Deputy Commissioner may take cognizance of the dispute and decide it himself if it is between two or more Municipal Councils in the same District and none of them is a City Municipal Council or between a Municipal Council constituted under this Regulation and a Village Panchayet in the same District ~~and his decision shall be final~~ and

and

(b) in all other cases the matter shall be referred to the Government who may take cognizance of the dispute and the decision of the Government shall be final

[New]

(2) No suit shall be entertained by a Civil Court in respect of any dispute referred to in sub section (1)

[New c f V P 55]

38 (1) Save as otherwise provided for in this Regulation or in the rules prescribed an appeal shall lie from an order of—

App

(a) the President ~~of the Municipal Council~~ to the Assisstant Commissioner ~~and in his absence to the Deputy Commissioner~~;

to the Municipal Council

(b) the Assisstant Commissioner to the Deputy Commissioner

and shall be preferred within thirty days of the date of publication or communication of the order The decision of the Deputy Commissioner shall be final

(2) An appeal shall lie to the Government from an order of the Deputy Commissioner under sections 32 ~~and~~ 33 and from the decision of the auditor under section 50 and shall be preferred within thirty days of the date of publication or communication of the order and the decision of the Government shall be final

and

37

Clause 38 Provision has been made for appeals from orders of the President or the Municipal Council to the Assisstant Commissioner ~~and for a second appeal~~ to the Deputy Commissioner Appeals to Government are restricted to 3 classes of cases namely —

(1) Suspension of the execution of resolutions or orders of Municipal Council (clause 3)

(2) Providing for performance of duties of Municipal Council in case of default or emergency (clause 33)

(3) Surcharge by auditor (clause 50)

(b) The Assessor in respect of assessment of properties to the Assistant Commissioner;

[cf Mys 180]

39 In all matters connected with this Regulation the Government and each Deputy Commissioner and Assistant Commissioner shall respectively have and exercise the same authority and control over the Deputy Commissioner and their subordinates as they or he may exercise over them in the general and revenue administration

[C P 9]

40 (1) If the circumstances of any Municipality are such that in the opinion of the Government any of the provisions of this Regulation are unsuited thereto the Government may by notification in the official gazette except the Municipality from the operation of those provisions, and thereupon those provisions shall not apply to the Municipality until applied thereto by notification in the official gazette

(2) While such exception remains in force the Government may make rules for the guidance of the Municipal Council and public officers in respect of the matters excepted from the operation of the said provisions

CHAPTER V

Property and Finance

[Bom Bor 63 (2)]

41 1) All property of the nature specified in the clauses to this section, not being specially reserved by the Government shall be vested in and belong to the Municipal Council and shall together with all other property of what nature or kind soever which may become vested in the Municipal Council be under its direction mangement and control and shall be held and applied by it as trustee subject to the provisions and for the purposes of this Regulation —

(a) All public town walls gates, markets slaughterhouses manure and night soil depots and public buildings of every description

(b) All public streams tanks, reservoirs cisterns wells springs aqueducts conduits tunnels pipes pumps and other water works and all bridges buildings engines works materials and things connected with or appertaining to such water works and also any adjacent land not being private property appertaining to any public tank or well

(c) All public sewers and drains all sewers drains tunnels culverts

gutters and water courses in, alongside or under any street and all works materials and things appertaining thereto all dust dirt dung ashes refuse, animal matter filth or rubbish of any kind collected by the Municipal Council from the streets houses privies, sewers, cess pools or elsewhere

(*d*) All public lamps lamp posts apparatus connected therewith, or appertaining thereto

(*e*) All lands transfered to it by the Government or by gift or otherwise for local public purposes

(*f*) All public streets and the pavements stones and other materials thereof and also all trees erections materials implements and things provided for such streets

[Mys. 60 (2)]

(2) It shall be competent to the Government from time to time by notification to resume any property vested or vesting in the Municipal Council under this section on such terms as the Government may determine

Power of Government to resume property

[Mys. 66]

42 (1) The management control and administration of every public institution exclusively maintained out of Municipal property and funds shall vest in the Municipal Council by which it is maintained

Management of public institution maintained by Municipal Council to vest in them

[Mys. 66A.]

(2) The extent of the independent authority of any Municipal Council in respect of economic development with reference to Education Agriculture and Industries and Commerce and its relations with the Local Boards and other departments of the Government shall from time to time be prescribed by the Government

43 (1) There shall be in each ~~mfnor~~ Municipality a fund which shall be called the Municipal Fund and be administered by the Municipal Council

Municipal fund its custody and vestment

[s. 1 Dt Bd. 62.]

(2) It shall be lawful for a Municipal Council to deposit at interest with the Mysore Savings Bank or in any other Bank approved by the Government any surplus funds in its hands which may not be required for current charges and with the sanction of the Government invest such funds in public securities and vary such investment or dispose of such securities with the like sanction

[s. 1 P S. T 17]

(3) The Municipal Fund over and above what is invested as provided for in sub section 2) shall be kept in the Government Treasury of the Taluk in which the Municipality is situated or *in any Bank approved* by the Government in this behalf

Mu C t tut p l F l f tl

44 The following shall form part of or be paid into the Municipal Fund —

[C P 61 Mys 51 & Dt Bd. 62]

(a) all taxes ~~tolls and other imposts~~ fines fees penalties and costs paid to o levied by or on behalf of the Municipal Council under this Regulation and all fines imposed by a Magistrate under this Regulation or the rules thereunder

(b) all rents or income from lands or other properties of the Mnnicpal Council

(c) all interest profits and other moneys accruing by gifts or transfers from the Government or private individuals or otherwise

(d) all proceeds of land and other property sold by the Municipal Council and

(e) all sums received by or on behalf of the Municipal Council by virtue of this Regulation or any other law

Mu Appl t p l F f d

45 The Municipal fund shall be applicable only to the payment of charges and expenses incidental to the several matters specified in Section 17, to all other purposes for which by or under this Regulation or any other law for the time being in force powers are conferred or duties imposed upon the Municipal Council ~~and also to the following purposes, namely~~ —

[c f C P 63]

Clause 45 Power is reserved to the Government to direct that the expenditure on any specified purpose is in the public interest and may be charged to the Municipal fund Vide clause 17 also

(a) expenses incurred in auditing the accounts of the Municipal Council

(b) cost of construction and maintenance of buildings for the offices of the Municipal Council

(c) sums required to meet the charges of establishments including payments and contributions towards pensions and gratuities

(d) payment of remuneration and allowance to Presidents and Councillors subject to the rules or orders made by the Government

(e) travelling expenses of Presidents Councillors and Municipal Officers and servants subject to the rules or orders made by the Government

(f) all other charges incidental to administration and

~~(g)~~ with the previous sanction of the Government, any other purpose where on the expenditure of the Municipal fund is in the public interests

M m y p l C l u l f l i l

46 It shall be lawful for a Municipal Council with the previous sanction of the Government and subject to the conditions imposed by them from time to time to raise loans

[c f Dt Bd 72]

for the execution of any work or for the purpose of carrying out any of the provisions of this Regulation and to form a sinking fund for the repayment of such loans

[c f Dt Bd 74 and Mys. 57]

17 Subject to the rules prescribed by the Government a Municipal Council may make grants-in aid to any medical veterinary educational or charitable institution or any other institution or object of public utility within or without the area under its authority whether it be under public or private management *or may vary or cancel such grant*

Contributions by the Government and power to make grants-in-aid

[New]

48 (1) The Municipal Council shall maintain such accounts and in such forms of the Municipal fund as the Government may from time to time prescribe in this behalf

Maintenance of accounts

(2) The accounts of the Municipal fund shall be subject to such audit as the Government may from time to time prescribe in this behalf

[Mad Sch IV Rule 58]

49 The auditor shall report to the Municipal Council—

Duties of auditor

(*a*) any material impropriety or irregularity which he may observe in the expenditure or in the recovery of moneys due to the Municipal Council or in the Municipal accounts

(*b*) any loss or waste of money or other property owned by or vested in the Municipal Council caused by neglect or misconduct with the names of persons directly or indirectly responsible for such loss or waste

[c f Mad Sch IV Rules 60 to 63 modified]

50 (1) The auditor shall disallow every item contrary to law and surcharge the same on the person making or authorising the making of the illegal payment and shall charge against any person responsible therefor the amount of any deficiency or loss incurred by the negligence or misconduct of that person or of any sum which ought to have been but is not brought into account by that person and shall in every such case certify the amount due from such person

Disallowance and surcharge

(2) The auditor shall state in writing the reasons for his decision in respect of every disallowance surcharge or allowance and furnish a copy thereof to the person against whom it is made

(3) Every sum certified under sub section (1) or if an appeal is preferred under sub section (2) of section 38 then

such sum as the Government shall have ordered to be due shall be paid by the person concerned within thirty days of the issue of a special notice in this behalf and shall be recoverable in such manner and within such period as is provided for in section 25

CHAPTER VI

TAXATION AND RECOVERY OF DUES

[c f Mys 59 & C P 66]

Clause 51 —Under the present Regulation octroi is leviable on animals and goods brought for consumption or use within municipal limits As in the Central Provinces Act provision has been made for levy of octroi on animals and goods brought for sale also within the Municipal limits Provision is also made for the levy of terminal taxes when octroi is not levied and of taxes on vehicles and animals kept out side Municipal limits for use within the Municipalities

51 (1) The Municipal Council may from time to time subject to the provisions of this chapter and the rules prescribed impose in the whole or in any part of the Municipality all or any of the following taxes for the purposes of this Regulation namely —

(*a*) (i) an octroi on animals or goods or both brought within the limits of the Municipality for sale consumption or use within those limits

(ii) with the sanction of the Government and if octroi is not levied a terminal tax on goods or animals or both imported into or exported from the limits of the Municipality

(*b*) a tax payable by the owners of buildings or lands or both situated within the limits of the Municipality

(*c*) a lighting tax payable by the owners of buildings or lands or both where the lighting of public streets places and buildings is undertaken by the Municipal Council

(*d*) a water tax where water is supplied by the Municipal Council,

(*e*) a special sanitary cess upon private latrines premises or compounds cleansed by Municipal agency

(f) a tax on shops and other places where a business or profession is carried on payable by the person or persons engaged in the business or profession

(*g*) an education cess payable by persons liable to taxation under clauses (*b*) and (f) of this sub section to be utilised solely for purposes of education

(*h*) a tax payable by the owner on all or any vehicles or animals used for riding, driving draught or burden kept for use within the Municipality ~~whether they are actually kept within or outside the Municipality~~

(i) with the sanction of the Government a toll on vehicles and animals used as aforesaid entering the Municipality but not liable to taxation under clause (h) of this sub section

such sum as the Government shall have ordered to be due shall be paid by the person concerned within thirty days of the issue of a special notice in this behalf and shall be recoverable in such manner and within such period as is provided for in section 25

CHAPTER VI

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Taxes which Municipality may impose

51 (1) The Municipal Council may from time to time subject to the provisions of this chapter and the rules prescribed impose in the whole or in any part of the Municipality all or any of the following taxes for the purposes of this Regulation namely —

(*a*) (i) an octroi on animals or goods or both brought within the limits of the Municipality for sale consumption or use within those limits

(ii) with the sanction of the Government and if octroi is not levied a terminal tax on goods or animals or both imported into or exported from the limits of the Municipality

(*b*) a tax payable by the owners of buildings or lands or both situated within the limits of the Municipality

(*c*) a lighting tax payable by the owners of buildings or lands or both where the lighting of public streets places and buildings is undertaken by the Municipal Council

(*d*) a water tax where water is supplied by the Municipal Council

(*e*) a special sanitary cess upon private latrines premises or compounds cleansed by Municipal agency

(f) a tax on shop and other places where a bussiness or profession is carried on payable by the person or persons engaged in the business or profession

(*g*) an education cess payable by persons liable to taxation under clauses (*b*) and (f) of this sub section to be utilised solely for purposes of education

(*h*) a tax payable by the owner on all or any vehicles or animals used for riding driving draught or burden kept for use within the Municipality ~~whether they are actually kept within or outside the Municipality~~

(*i*) with the sanction of the Government a toll on vehicles and animals used as aforesaid entering the Municipality but not liable to taxation under clause (h) of this sub section

(*i*) fees—

(i) ~~on persons~~ exposing goods for sale in any market or place belonging to or under the control of the Municipal Council or the Government

(ii) for licenses and permissions issued under this Regulation and

(iii) for the use of municipal slaughter houses

[New] (2) In addition to or in lieu of any of the foregoing taxes the Municipal Council may levy with the approval of the Government and subject to such rules as may be prescribed in this behalf any other tax or fee which may be convenient and suitable to the inhabitants of the Municipality

[New V P, 86 (2) and Mys 59] (3) The rates or amounts of taxes and fees shall not exceed the maxima that may be prescribed or those that the Government may in any special case by order direct

Provided that

(*a*) the rate of special sanitary cess shall be so fixed that the total proceeds from the cess shall not exceed the amount required for cleansing private latrines or compounds by manual labour or for conducting or receiving the sewage thereof into Municipal sewers

(*b*) the rate of the water tax shall be so regulated that the total proceeds of the tax with the estimated income from payment for water supplied from the works under special contracts if any shall not exceed the amount required for the annual maintenance of water supply works and for the repayment with interest of the capital outlay thereon in such number of years as the Municipal Council may fix with the approval of the Government

(4) The municipal Council may subject to the rules prescribed in this behalf and subject to the control of the Government and to the provisions of section 58

(*a*) abolish any tax or fee and ~~and~~ within the limits imposed under ~~sub-section (3)~~ vary the amount or rate of any such tax or fee and

(*b*) suspend the operation of any tax or fee within any part of the Municipality for any specified period

~~(5)~~ Subject to the rules prescribed in this behalf the Municipal Council may—

(*a*) exempt in whole or in part from the payment of any tax or fee any person or class of persons or any property or animal or description of property or animal

(*b*) remit the amount of any tax fee or other due or to refund the same if it has been already collected and

Appointment of an assessor for assessing rates on buildings and lands and conducting revenue audit of the Municipalities in the District.

[New]

86 (1) The taxes imposed in the form of a rate on buildings and lands in municipalities in accordance with the rules prescribed and the rates determined by the Municipal Council concerned shall be assessed by an Assessor appointed by the Government in this behalf for each District, who shall be not below the rank of an Assistant Collector.

by the Assessor of the District who shall be an officer not below the rank of an Assistant Collector

appointed

(2) The assessor shall also conduct the revenue audit of the Municipalities in the District.

(3) Every Municipal Council in the District shall contribute towards the pay and allowances of the Assessor and his establishment and the maintenance of his office in proportion to its annual income.

the Municipal Council provided that proper and sufficient security is taken from the lessee for the due fulfilment of the conditions of the lease and for the recovery of the amount due under the lease

[Mysore 87]

Liability of land building etc for tax

55 (1) All sums due on account of taxes imposed in the form of a tax on buildings or lands or on both shall subject to prior payment of land revenue if any due to the Government thereupon be a first charge upon the building or land in respect of which such tax is payable and upon the movable property if any found within or upon such building or land and belonging to the person liable for such tax or taxes

[C P 81]

Right of occupier to recover from owner

(2) Any tax or sum leviable under this Regulation from the owner may be recovered from the occupier and in such case such occupier shall in the absence of any contract to the contrary be entitled to recover the same from the owner and may deduct the same from any rent then or thereafter due by him to the owner

(3) No sum shall under sub sections (1) and (2) be recoverable from any occupier who is not the owner if it has been due for more than one year or for a period during which such occupier was not in occupation

[Mys 166]

Application of the recovery of land

56 For the purpose of the recovery of any amount due on account of rent from any person to a Municipal Council in respect of any land vested in such Municipal Council the Municipal Council shall be deemed to be a superior holder and every such person an inferior holder of such land within the meaning of sections 97 and 98 of the Mysore Land Revenue Code 1888 and the Municipal Council as superior holder shall be entitled for the recovery of every such amount to all the assistance to which under the said sections a superior holder is entitled for the recovery of rent or land revenue payable to him by an inferior holder

[New]

Recovery of dues

57 (1) The amount of taxes fees costs and other dues under this Regulation shall be paid and recovered in such manner as may be prescribed

[Mys 162]

Distress lawful though defect in form

(2) No distress levied by virtue of this Regulation shall be deemed unlawful nor shall any party making the same be deemed a trespasser on

account of any defect or want of form in any summons conviction or warrant of distress or other proceeding relating thereto nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him but all persons aggrieved by such irregularity may recover full satisfaction for the special damage in any court of competent jurisdiction

[Mys 161 B]

Limitation for distraint

(3) No distraint shall be made in respect of any sum due to the Municipal Council under this Regulation after the expiration of a period of three years from the date on which such distraint might have been made in respect of such sum

[Mys 74 & V P 38 modified]

Special powers of Government with regard to extraordinary

58 (1) Whenever it appears to the Government that the regular income of any Municipal Council falls below what is necessary for the proper discharge of its duties or that the balance of the Municipal fund of any Municipal Council is insufficient for meeting the expenditure incurred under Sections ~~thirty-three and thirty-four~~ 33+34, the Government may by notification require the Municipal Council to impose in the Municipality any tax which may be imposed under Section 51 and which is not at the time imposed in the said Municipality or to enhance the rates of any of the existing taxes in such manner or to such extent as the Government consider fit and the Municipal Council shall forthwith proceed to impose the tax or enhance the rates of the taxes in accordance with the requisition

Provided that—

(a) the Government shall take into consideration any objection which the Municipal Council or any inhabitant of the Municipality may within thirty days of the notification make against the imposition of such tax or enhancement of the rates of taxes and the orders of the Government shall be final

(b) it shall not be lawful for the Municipal Council to abolish the tax or to reduce the rates of taxes when imposed under this sub section

(2) Notwithstanding anything contained in this Regulation the Government may determine in the case of any Municipality the whole of which or a portion of which consists of alienated lands what portion of the Municipal income from any tax or tax or any other

[Note.]

Clause 58—sub-clause (2) Provision has been made for payment of a portion of the municipal income to Talukdars when Municipalities are constituted in Inam Villages. This is necessary to meet the cases of Sringeri and other municipalities.

due under this Regulation shall be paid to the Inamdar for special reasons which the Government may consider necessary in order to compensate him and the portion of the Municipal income so determined shall be paid by the President to such Inamdar and the order of the Government shall be final

[c f Mys, 89.]

59 For all sums paid to a Municipal Council on account of any tax fee or other due under this Regulation a receipt stating the amount and the tax, fee or other due on account of which it has been paid shall be tendered by the person receiving the same

Receipt to be given for all payment

CHAPTER VII

POWERS OFFENCES AND PENALTIES

[V P 26]

60 The Municipal Council shall have power to do all acts necessary for and incidental to the carrying out of the functions devolving on it and in particular and without prejudice to the foregoing power to exercise the powers expressly specified in this Regulation or the rules thereunder

General powers of Municipal Council

Provided that the Municipal Council may appoint Committees from among its own members to exercise and perform any of its powers and duties

[Bom Act 197]

61 It shall be lawful for the President or for any person authorised by the President or the Municipal Council for such purpose to enter for any purpose of this Regulation between sunrise and sunset with such assistants as he may deem necessary into and upon any building or land

Powers of entry and inspection

Provided that except when otherwise provided in this Regulation or the rules thereunder no building or land which may be occupied at the time shall be entered unless with the consent of the occupier thereof without twenty four hours written notice thereof having been given to the said occupier

Provided also that in the case of buildings used as human dwellings due regard shall be paid to the social and religious customs of the occupier

62 The president may—

Power to temporarily close streets and grant permission for temporary occupation of streets.

(a) close temporarily any street or any part thereof for any public purpose

[New s 1 Trav 100 and C P 91]

(2) grant permission in writing for the temporary occupation of any street or land vested in the Municipal Council for the purpose of depositing any building materials or making any temporary excavation therein or erection thereon subject to such conditions as he may impose for the safety or convenience of persons passing by or dwelling or working in the neighbourhood and may charge rent for such permission and may at any time in his discretion withdraw the permission

Power to attach brackets for lamps, name plates, etc.

63 (1) The President may attach to the outside of any building brackets for lamps or name plates of streets and may cause a number to be affixed to every house in the Municipality for the purpose of identifying it

[P S T 40 and C P 203]

(2) No person shall without the authority of the President disturb deface or destroy any bracket name plate or number attached or affixed under sub section (1) or any direction—post or lamp post or extinguish any light maintained by the Municipal Council in any street or public place

Prohibition of encroachment, etc.

64 (1) No person shall without the written permission of the President—

(a) build or erect any immovable encroachment upon the ground level of any street or over or on any sewer drain or water course or build or make any immovable overhanging structure projecting into a street at a point above the said ground level

[C P 93 and 94]

(b) place in front of any building any movable encroachment upon the ground level of any street or over or on any sewer drain or water course or any movable overhanging structure projecting into the street at a point above the said ground level

(c) take up or alter the pavement or other materials or the fences or posts of any street

(d) deposit building materials goods for sale or other articles of merchandise on any street or

(e) make any hole or excavation on in or under any street or remove materials from beneath any street so as to cause risk of subsidence

(2) The President may in cases falling under clauses (b) (c) (d) and (e) of sub-section (1)—

(a) summarily remove or cause to be removed by the police any such movable encroachments or overhanging

on necessary for projections.

64. (1) The President may give written permission to the owners or occupiers of buildings in public streets to put up verandahs, balconies, or rooms, to project from any upper storey thereof, at such height from the surface of the street as the Municipal Council may fix from time to time and to an extent not exceeding four feet beyond the line of the plinth or basement wall and may prescribe the extent to which, and the conditions under which roofs, eaves, weather-boards, shop-boards and the like may be allowed to project over such streets.

113 (1)

jections.

(2) The President, may, by written notice, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction which, whether erected before or after the site of such building became part of a municipality, shall have been erected or placed against or in front of such building, and which,

113 (3)

(a) overhangs or juts into, or in any way projects or encroaches upon any public street, so as to be an obstruction to safe and convenient passage along such street, or which,

(b) projects and encroaches into or upon any uncovered aqueduct, drain or sewer in such street, so as to obstruct or interfere with such aqueduct drain or sewer or the proper working thereof;

Provided always that the President shall, if such projection,

any place before the date on which such place became part of a municipality, or after such date with the written permission of the President, made reasonable compensation to every person who suffers damage by such removal or abatement.

[illegible] (1) No person shall, without the written permission of the President have built or set up, or shall build or set up, any wall or any fence, rail, post stall, verandah, platform, plinth, or any projecting structure or thing, or other encroachment or obstruction [illegible] any public street, except steps over drains or, shall deposit or cause to be placed or dispose[illegible] any box, bale, package or [illegible] any other thing in such street, [illegible] over or upon, any open drain, [illegible] or aqueduct in such street.

(2) The President, [illegible] remove any such obstruction, [illegible] said shall have the [illegible] any unauthorised structure [illegible] of the like nature upon open space [illegible] whether such [illegible] Signal Council or [illegible] provided that open space be vested in Government the permission of the Deputy Commissioner shall have first been obtained, and the expense of such removal shall be paid by the person who caused the said obstruction or

(3) contained in this

structures and any such materials or articles of merchandise

(b) take order summarily to restore the street to the condition it was in before any such alteration excavation or damage and the expense of such restoration shall be recoverable from the offender.

a municipal due.

Explanation For the purposes of this section movable encroachment includes a seat or settle and movable overhanging structure includes an awning of any material

Control of erection of buildings

65 (1) Subject to the provisions of sub section (3) no person shall erect any building or alter or add to any existing building or re construct any building without the written permission of the President

[New c f Mys. 96 and V P 29]

(2) Such permission shall not be refused except for the reason of the site being unsuited on sanitary grounds or for the reason that the building is unsuited for a factory if the building is intended for such use

(3) Such permission shall be presumed to have been granted if its refusal is not communicated within a month of the receipt of an application in that behalf in writing Provided that nothing in this sub section shall authorise any person to build in contravention of any other provisions of this Regulation or the rules thereunder

[Mys 95]

(4) No building shall hereafter be built upon a lower level than will allow of the drainage thereof being led into some public sewer or drain either then existing or projected by the Municipal Council or into some stream or river or some cesspool or other suitable place which may be approved of by the President

[Mys 96 (2) and 95 A]

5) The President in granting permission to build may impose in writing such conditions as to level drainage sanitation or ventilation or with reference to the location of the building in relation to any existing building or street existing or projected and may require in any locality approved by the Government in this behalf that any building used or intended to be used as a warehouse for the storage of grain shall be protected or erected so as to render such building rat proof and the Municipal Council may for this purpose prescribe the plan and the design to be adopted and the materials to be used for such building

[V P 29 (2d)]

(6) Whenever a building is erected altered added to or re constructed without the permission of the President or in any

manner contrary to the conditions imposed by the permission or the provisions of this Regulation or the rules thereunder the President may by written notice—

(*a*) direct that the building alteration or addition be stopped or

(*b*) require such building, alteration or addition to be altered or demolished as he may deem necessary or

(*c*) withdraw the permission

Power with regard to huts privies etc

66 If it appears necessary to improve the sanitary condition of any area within its jurisdiction the Municipal Council may by a written notice require within a reasonable period specified therein—

(1) the owner or occupier of any hut or the owner of any privy to remove such hut or privy either wholly or in part

[c f V P 31 (1)]

(11) the owner or occupier of any building to provide any drain privy or cesspool or any additional drains privies or cesspools therefor or to repair alter or put in good repair the drains privies or cesspools thereof

(1)

Power as to dangerous etc

67 The President may by a written notice require within a reasonable time specified therein—

[c f V P 31 (1) (iii)]

(*a*) the owner or occupier of any land or building which needs to be cleansed or which is kept in a filthy or unwholesome state to cleanse it or otherwise put it in a proper state

[c. f V P 31 (1) (iv)]

(*b*) the owner or occupier of any land or building which contains a pool, ditch tank well hole or any place containing or used for the collection of any drainage filth or stagnant water which is injurious to health or offensive to the neighbourhood or is otherwise a source of nuisance to cause the same to be cleansed filled or deepened or cause the water to be removed or drained or to take such other action therewith as may be deemed necessary by the President

[C P 110]

(*c*) any person who without the written permission of the Municipal council newly erects or rebuilds any building over any sewer drain culvert watercourse or water-pipe vested in the Municipal Council to pull down or otherwise deal with the building as the President thinks fit

[C P 124]

(*d*) the owner or occupier of any building or any well tank reservoir pool depression or excavation which is for want of sufficient repair protection or enclosure dangerous to persons passing by or

(a)

dwelling or working therein or in the neighbourhood to repair protect or enclose the same

(1) (v)] (e) the owner or occupier of any land overgrown with vegetation undergrowth prickly pear or jungle which is in any manner injurious to health or dangerous to the public or offensive to the neighbourhood or an impediment to efficient ventilation to cause it to be cleared of the vegetation undergrowth prickly pear or jungle

125.] (f) the owner or occupier of any building wall or structure or anything affixed thereto or any bank or tree which is deemed by the President to be in a ruinous state or in any way dangerous to remove the same or to cause such repairs to be made thereto as the President may deem necessary for the public safety

P 123] (g) the owner or part owner or any person claiming to be the owner or part owner of any building or land which by reason of abandonment or disputed ownership or other cause remains untenanted and thereby becomes a resort of idle and disorderly persons or otherwise a nuisance to secure or enclose the same

f the owner or occu- , of a building or is not known, the cipal Council may, in es, falling under clau- s (b), (d), (e), (f) and carry out the work and cost of such work may recovered within three

68 No person shall

D p t g th w s oad bbi l t d d l h g g w g (a) without the written permission of the President or in disregard of the orders of the President or the Municipal Council throw or deposit or permit his servants or members of his household under his control to throw or deposit earth or materials of any description refuse rubbish or offensive matter of any kind upon any street or public place or into any public sewer or drain or any drain communicating therewith

P 207]

208] (b) without the written permission of the President cause or allow the water of any sink sewer or cesspool or any other offensive matter to flow drain or be put upon any street or public place or into any sewer or drain not set apart for the purpose

P S T 39 modified] **69** (1) The Municipal Council or the Department concerned of the Government may for the purpose of carrying out establishing or maintaining any system of drainage sewerage or water supply carry any pipe drain sewer or channel of any kind into through across under over or up the side of any land or building whatever situated within the limits of the Municipality and may at all times do all act and things which may

P t l y rry p p d w th ugh p t p p rty

be necessary or expedient for repairing or maintaining any such pipe drain sewer or channel

Provided that—

(a) reasonable notice shall be given to the owner or occupier of any such land or building and

(b) reasonable compensation shall be paid to the owner or occupier for any damage sustained by him and directly occasioned by the carrying out of any such operations or for any substantial interference with the rights of such owner or occupier to the due enjoyment of such land or building

[c f C P 114.] (2) No person shall without the written permission of the President or the Department concerned of the Government as the case may be at any time make or cause to be made any connection or communication with any pipe drain sewer or channel constructed or maintained by or vested in the Municipal Council or the Department concerned of the Government for any purpose whatsoever

[c f C P 114] (3) The Municipal Council or the Department of the Government as the case may be may close demolish alter or remake any connection or communication made in contravention of the provisions of sub section (2) and the expenses thereby incurred shall be paid by the person making such connection or communication

[c f V P 32] **70** (1) For providing the area under its control or any part thereof with a supply of water proper and sufficient for public and private purposes the Municipal Council may—

Power of Municipal Council to provide public water supply

(*a*) construct repair and maintain tanks or wells and clear out streams or water courses

(*b*) purchase or acquire by lease or gift any tank well stream or water course or any right to take or convey water within or without the area under its control

(*c*) with the consent of the owner thereof utilize cleanse or repair any tank well stream or water course or provide facilities for obtaining water therefrom

(*d*) contract with any person for a supply of water or

(*e*) do any other acts necessary for carrying out the purposes of this section

(2) The Municipal Council may by order published at such places as it may think fit set apart for the supply to the public of water for drinking or culinary

purposes any tank well stream or water course in respect of which action has been taken under clause (a) or (b) or (c) of sub section (1) subject to any rights which the owner referred to in clause (c) of that sub section may retain with the consent of the Municipal Council

(3) The Municipal Council may by order published at such places as it may think fit prohibit

(a) all bathing washing of clothes vessels and animals or other acts calculated to pollute the water of any tank well stream or water course set apart for drinking or culinary purposes under sub section (2) and

(b) during epidemics the use of any source of water supply for drinking or culinary purposes or for the washing of clothes

Provided that the President may, in cases of emergency, exercise the powers of the Municipal Council under clause (b) and report the action taken for the orders of the Municipal Council.

[c f C P 159 (1)]

Search and seizure by President etc

71 (1) The President any councillor or any person authorised by the Municipal Council in this behalf may at any reasonable time enter into and inspect any market building shop stall or place used for the storage or sale of articles of food or drink or of drugs or used for the slaughter of animals and examine any article of food or drink or any drug or animal which may be therein and if any article of food or drink or any drug or animal therein appears to be intended for human consumption and to be unfit therefor he may seize the same

[c f C P 159 (2)]

(2) If the owner or person in whose possession such article drug or animal is found consents thereto the President Councillor or the authorised person may destroy it or dispose of it so as to prevent its being exposed for sale or use for human consumption

[New c f Mys 142 (1)]

(3) If such article or drug is of a perishable nature it may be disposed of in the manner specified in sub section (2) without the consent of the person in possession

[c f C P 159 (3)]

(4) In cases not falling under sub sections (2) and (3) the article drug or animal seized as aforesaid shall be removed forthwith and placed before a Magistrate for orders under section 80

[C P 209]

Feeding of deleterious substance

72 No person shall feed or allow to be fed on any deleterious substance filth or refuse of any kind any animal which is kept for dairy purposes or is intended for human consumption

[C P 213]

Attendance by persons suffering from infectious or contagious disease shall

supplying milk or milk products

(*a*) make or offer for sale any article of food or drink for human consumption or any medicine or drug or

(*b*) wilfully touch any such article medicine or drug when exposed for sale by others or

(*c*) take any part in the business of washing or carrying clothes.

[c f C P 140 and Mys 140 & 141.]

74 (1) The Municipal Council may fix premises for the slaughter of animals or animals of any specified description, for sale either within the Municipality or with the approval of the Deputy Commissioner beyond the limits of the Municipality

Place for slaughter of animal

(2) No person shall without the permission or license of the President use any such premises for slaughter of animals for sale

(3) The President may grant suspend, withhold or withdraw licenses for the use of such premises or if they belong to the Municipal Council charge rents or fees for the use of the same

(4) When any such premises have been fixed under sub section (1) no person shall slaughter any such animal for sale at any other place within the Municipality

[c f Dt Bd 56 (1)]

75 (1) The Municipal Council may notify that no place within the area under its authority shall after sixty days from the date of such notification be used without a license from the President and except in accordance with the conditions specified therein for any purpose affecting the public health or safety or sanitation approved and notified by the Government in the official gazette in this behalf

Premises to be used for purposes notified

[C P 134]

Whenever it is shown to the satisfaction of the Municipal Council that any place licensed under sub section (1) is a nuisance to the neighbourhood or likely to be dangerous to life health or property, the Municipal Council may by notice require the occupier of the place to discontinue the use thereof or to use the place in such manner as will in the opinion of the Municipal Council render it no longer a nuisance or dangerous

[C P C P 189 and 190]

(3) No person shall use any premises without a license or in contravention of the conditions specified therein for any purpose for which a license is required under sub section (1) or after notice has been given under sub section (2) use such place or permit it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous

[Bom L B. 60]

76 (1) The President or any person authorised by the President or the Municipal Council in this behalf may enter at any time after reasonable notice into any building or premises in which any dangerous disease is reputed or suspected to exist for the purpose of inspecting such building or premises

Pre id at t t h e p wer of t f spe tion t buildings etc wher fection d ts

(2) No such inspection shall be made except between sunrise and sunset

Inspecti t be made between ri e and sunset

(3) If the President or such person is of opinion that the cleansing or disinfecting of a building or premises or of a part thereof or of any articles therein likely to retain infection would tend to prevent or check the spread of any dangerous disease he may by notice require the owner or occupier to cleanse or disinfect the same within a time to be specified in such notice provided that if the president or such person considers that immediate action is necessary or that the owner or occupier is by reason of poverty or other wise unable effectually to comply with his requisition he may himself cause such building or premises or articles to be cleansed or disinfected and for this purpose may cause such articles to be removed from such building or premises and the expenses incurred by the President or such person under this sub section shall be recoverable from the said owner or occupier unless he was by reason of poverty unable effectually to comply with his requisition

Disinfection f build gs to

[New e f C. P 158]

77 (1) ~~If no suitable place for burial or burning exists within a reasonable distance the~~ Municipal Council shall with the previous approval of the Deputy Commissioner provide a ~~fitting~~ place for ~~the purpose~~ either within or beyond the Municipal limits

Bur l nd b gro nd

~~(2) No~~ burial or burning ground shall be made or formed after the commencement of this Regulation without the permission in writing of the Municipal Council

[My 150]

(3) If the Municipal Council be of opinion that any place used for the disposal of the dead is in such a state as to be or to be likely to become injurious to health it may submit its opinion with the reasons therefor to the Government through the Deputy Commissioner and the Government thereupon after such further enquiry if any as they shall deem

fit to cause to be made may by notification direct that such place shall cease to be so used from such date as may be specified in that behalf in the said notification

(4) A copy of the said notification both in English and Kannada shall be published in the official gazette and shall be posted up at the Municipal office and in one or more conspicuous parts on or near the place to which the same relates

(5) No person shall bury, or burn or cause or permit to be buried or burnt any corpse in any burial or burning ground made or formed in contravention of sub section (2) or after the date specified in the notification published under sub section (4)

[V P 62 modified]

an Assessor or his assistants or a

78 Whoever obstructs or molests a Municipal Council or President or any Councillor or any person employed by the Municipal Council or the President or any person with whom it or he has contracted in the performance of its or his duty under the provisions of this Regulation or the rules thereunder or prevents or tries to prevent any person from doing any thing which he is empowered or required to do by virtue of this Regulation or the rules thereunder or removes any mark set up for the purpose of indicating any level or direction incidental to the carrying out of any work authorised by or under this Regulation or removes or destroys defaces or otherwise obliterates any notice put up or exhibited by the Municipal Council or its President or under its or his authority shall be liable on conviction by a Magistrate to a fine not exceeding one hundred rupees

79 Whoever contravenes the provisions of or fails to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of

(i) Section 22 sub section (1)
(ii) Section 63 sub section 2)
(iii) ~~Section 64, sub section (1)~~
(iv) Section 65 sub sections (1) and (4)
(v) Section 68
(vi) Section 69 sub section (2),
(vii) Section 70, sub-section (3)
(viii) Section 72
(ix) Section 73
(x) Section 74 sub sections (2) and (4)
(xi) Section 75 sub section (3)
(xii) Section 77 sub sections (2) and (5 and

Section 64 A.
(iii) Sub section (1),

[s. E Ds Bd. 56]

(xiii) Section 39 sub section (3) shall on conviction before a Magistrate be punished with fine which may extend to rupees fifty He may also be punished with further fine which may extend to ten rupees for every day on which such offence is continued after the date of conviction or any subsequent date as may be fixed by the Magistrate

[C P 215.]

80 If any animal article or drug is brought before a Magistrate under sub section 4) of section 71 the Magistrate on its being proved that the article or animal was intended for human consumption and is unfit therefor or that the drug is adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious may order the article or animal to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for human consumption and the drug to be dealt with as he may think fit and may direct that the owner or person in possession of such article animal or drug shall be punished with fine which may extend to one hundred rupees

Penalty for possession of articles unfit for human consumption or adulterated drug

ignorance of its nature

Provided that a person who is in possession of any article or animal or drug as a carrier or bailee thereof shall not be liable to fine under this section

[New s 1 C. P 45.]

81 If any President Councillor Officer or servant of a Municipal Council has without the written permission of the Assistant Commissioner or the Deputy Commissioner directly or indirectly any share or interest in any work done by order of or on behalf of the Municipal Council or in any contract with or under the Municipal Council he shall be deemed to have committed an offence under section 168 of the Indian Penal Code

Penalty for having pecuniary interest in Municipal Council by public servant without permission of Municipal Council

[New]

Provided that the Government may by order or rule exempt any work or contract or specified class of works or contracts from the operation of this section

[Mys 155 and Dist Bd 56]

82 Whoever disobeys or fails to comply with any lawful direction given by any written notice issued under any power conferred by this Chapter or fails to comply with the conditions subject to which any permission was given to him under any power so conferred shall if the disobedience or failure is not an

Punishment for disobedience to order duly made by authority

offence punishable under any other section be punishable with fine which may extend to fifty rupees He may also be punished with further fine which may extend to five rupees for every day on which the said disobedience or failure continues after the date of conviction or any subsequent date as may be fixed by the Magistrate

Provided that when the notice fixes a time within which a certain act is to be done and no time is specified in this Regulation it shall rest with the Magistrate to determine whether the time so fixed was reasonable time within the meaning of this Regulation

[Mys 161 (1)]

83 (1) The Municipal Council or the President may direct any prosecution for any public nuisance whatever and may order proceedings to be taken for the recovery of any penalties and for the punishment of any persons offending against the provisions of this Regulation or of any rule thereunder and may order the expenses of such prosecutions or other proceedings to be paid out of the Municipal fund

Municipal Council may direct prosecution

Provided that no prosecution for an offence unde this Regulation or the rules thereunder shall be instituted except within six months next after the commission of such offence

[c. f Bom Ber 200 (2)]

(2) Any prosecution under this Regulation or under any rule thereunder may be instituted before any Magistrate and every fine or penalty imposed under or by virute of this Regulation or any rule thereunder, and any compensation expenses charges or damages for the recovery of which no special provision is otherwise made in this Regulation may be recovered on application to any Magistrate by the distress and sale of any movable property within the limits of his jurisdiction belonging to the person from whom the money is claimable

Jurisdiction of Magistrate

[Mys. 168]

84 (1) Any Police Officer may arrest any person committing in his view any offence against any of the provisions of this Regulation or of any rule thereunder if the name and address of such person be unknown to him and if he decline to give his name and address or if the Police Officer has reason to doubt the accuracy of such name and address if given and such person may be detained at the station house until his name and address has been correctly ascertained

Powers of Police Officers

Provided that no person arrested shall be detained without the order of a Magistrate longer than shall be necessary for bringing him before a Magistrate or than twenty four hours at the utmost

(2) It shall also be the duty of all Police officers to give immediate information to the Municipal Council of the commission of any offence against the provisions of this Regulation or of any rule thereunder and to assist the President Councillors Municipal officers and servants in the exercise of their lawful authority

[Mys. 161 A and Dist. Bd 60.]

Powers to compromise and compound offence

35 The President or any person authorised by the Municipal Council may and when directed by the Municipal Council shall

(*a*) compromise with any person who in the opinion of such President person or Municipal Council as the case may be has committed an offence punishable under this Regulation or any rule thereunder and on such compromise no proceedings shall be taken against such person in respect of such offence

(*b*) withdraw from prosecutions instituted under this Regulation or any rule thereunder

(*c*) compound any offence against this Regulation or any rule thereunder which may by rules made by the Government be declared compoundable

CHAPTER VIII

MISCELLANEOUS

[c f Cal 498]

License and permission

36 (1) Every license and written permission granted under this Regulation or under any rule thereunder shall be signed by the President and shall specify—

(*a*) the date of the grant thereof

(*b*) the purpose and the period (if any) for which it is granted

(*c*) the restrictions and conditions (if any) subject to which it is granted

(*d*) the name of the person to whom it is granted and

(*e*) the fee or amount if any paid for the license or written permission

(2) Any license or written permission granted under this Regulation or under any rule thereunder may at any time be suspended or revoked by the President if any of the restrictions or conditions is infringed or evaded by the grantee or if the grantee is convicted of a breach of any of the provisions of this

Regulation or of any rule thereunder in any matter to which such license or permission relates

[c. f Mys. 154 2)]

87 (1) Every notice which this Regulation requires or empowers a Municipal authority to give or to serve either as a public notice, or generally or by provisions which do not expressly require notice to be given to individuals therein specified shall be deemed to have been sufficiently given or served if a copy thereof is put up in such conspicuous part of the the municipal office during such period and in such other public buildings and places or is published in such local paper or in such other manner as the Municipal Council in this behalf determines

Public and general notices how to be published

[c f V P 67 (1)]

(2) When any notice or other document is required by this Regulation or by any rule or order made under it to be served on or sent to any person the service or sending thereof may be effected—

Service of notice addressed to owner or occupier

(*a*) by giving or tendering the said document to such person or

(*b*) if such person is not found by leaving such document at his last known place of residence or business or by giving or tendering the same to some adult member or servant of his family or

(*c* if such person does not reside in the municipality and his address elsewhere is known to the President by sending the same to him by post registered or

(*d*) if none of the means aforesaid be available by fixing the same in some conspicious part of his last place of residence or business

[c f V P 67 [2]

(3) When the person is an owner or occupier of any building or land it shall not be necessary to name the owner or occupier in the document and in the case of joint owners and occupiers, it shall be sufficient to serve it on or send it to any one of such owners or occupiers

Service to owners and occupiers of buildings and land

[Mys 154 [4]

(4) No notice or bill shall be invalid for defect of form

Defect of form not to invalidate notice or bill

[Mys. 154 [5]

(5) When any notice under this Regulation requires any act to be done for which no time is fixed by this Regulation the notice shall fix a reasonable time for doing the same

Extension of notice required to be done by any notice

[Mys 154 [6]

(6) In the event of non compliance with the terms of the notice it shall be

lawful for the President or the Municipal Council to take such action or such steps as may be necessary for the completion of the act thereby required to be done, and all the expenses therein incurred by the President or the Municipal Council shall be paid by the person or persons upon whom the notice was served

[Bom Bor 194 [1]

Municipal Council in default of owner or occupier may execute works and recover expenses.

88 (1) Where under the provisions of this Regulation, any work is required to be executed by the owner or occupier of any building or land, and default is made in the execution of such work, the Municipal Council, whether any penalty is or is not provided for such default, may cause such work to be executed, and the expenses thereby incurred shall, unless otherwise expressly provided in this Regulation, be paid to the Municipal Council by the person by whom such work ought to have been executed, either in one sum or by instalments as the municipal council may decide.

[Mys. 187.]

Occupier in default of owner may execute works and deduct expenses from his rent.

(2) Where default is made by the owner of any building or land in the execution of any work required to be executed by him, the occupier of such building or land may, with the approval of the President, cause such work to be executed, and the expense thereof shall be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner

[c. f. Cal. 527 and Mys. 188.]

Proceedings in case of obstruction of owner by occupier

89 (1) The owner of any land or building may, if he is prevented by the occupier thereof from complying with any provison of this Regulation or of any rule thereunder or with any requisition made under any such provision in respect of such land or building, apply to any Magistrate having local jurisdiction

(2) The Magistrate, on receipt of any such application, may make a written order requiring the occupier of the land or building to afford all reasonable facilities to the owner for complying with the said provision or requisition, and may also, if he thinks fit, direct that the costs of such application and order be paid by the occupier

(3) After eight days from the date of any such order, the said occupier shall afford all such reasonable facilities to the owner for the purpose aforesaid as may be prescribed in the said order and in the event of his continued refusal to do

[illegible] falling under sub-(2), the occupier be liable to comply with provisions of this Regulation in place of the owner.

so, the owner shall be discharged during the continuance of such refusal from any liability which he would otherwise incur by reason of his failure to comply with the said provision or requisition

[C F Bom Ber 198]

Determination of compensation in case

90 (1) If an agreement is not arrived at with respect to any compensation or damages which are by this Regulation directed to be paid the amount and if necessary the apportionment of the same shall be ascertained and determined by the Assistant Commissioner in charge of the Taluk in which the Municipality is situated and in the absence of such an officer by the Deputy Commissioner

(2) In any case where the compensation is paid in respect of any land and the Assistant Commissioner or the Deputy Commissioner as the case may be has given a decision the owner of the land if dissatisfied with the decision may within a month of the date thereof apply to the Civil Court having jurisdiction and the matter shall be determined by such court in accordance with the provisions of sub section (3)

provided that nothing in this sub-section shall prevent the aggrieved party from seeking redress in a Civil Court of competent jurisdiction.

(3) In any case where the compensation is claimed in respect of any land the procedure prescribed by the Land Acquisition Regulation 1894 for proceedings in matters referred for the determination of the court shall as far as may be be followed

[Mys 163]

Damage to Municipal property how made good

91 If through any act neglect or default on account where of any person shall have incurred any penalty imposed by or under this Regulation any damage to the property of the Municipal Council shall have been committed by such person he shall be liable to make good such damage as well as to pay such penalty and the amount of damage shall in case of dispute be determined by the Magistrate by whom the person incurring such penalty is convicted and on non payment of such damage on demand the same shall be levied by distress and such Magistrate shall issue his warrant accordingly

[s f C P 175 & 176]

Power of Government to make rules order

92 (1) In addition to any power specially conferred by this Regulation the Government may make so as not to be inconsistent with this Regulation or any law in force rules or orders generally for the purpose of carrying into effect the provisions of this Regulation and prescribe forms for any

proceeding for which they consider that a form should be provided

(2) In particular and without prejudice to the generality of the foregoing power the Government may make rules or orders—

and Presidents

(a) for the election of councillors or their appointment

(b) for the conduct of business of Municipal Councils and the channel of communication between Municipal Councils and the Government or their officers

(c) for prescribing the duties of Municipal officers and servants and the conditions subject to which they may be employed

(d) for submission of returns statements and reports for the preparation, publication submission and review of annual Administration Reports and the preparation submission and sanction of the estimates of receipts and expenditure

(e) as to the mode in which the officers of the Government shall advise and assist Municipal Councils and Presidents in carrying out the purposes of this Regulation

(f) as to the preparation of plans and estimates for works which are to be wholly or partly constructed at the expense of the Municipal Fund and the powers of the Municipal Council or the Government officers to accord professional or administrative sanction to estimates

(f) for the levy and collection of education cess,

(g) for preventing evasion of assessment and payment of taxes

(h) as to the inspection and proper management and maintenance of any work of a permanent nature constructed by the Municipal Council or by the Government for the use of the inhabitants of a Municipality whether it be within the Municipality or beyond the limits thereof,

(i) for conserving and preventing injury to sources and means of water supply (including private wells which are used by the public) and appliances for the distribution of water whether within or without the limits of the Municipality and regulating all matters and things connected with the supply and use of water

(j) for the regulation and inspection of municipal markets and slaughter houses whether within or without the limits of the municipality and all places used by or for animals which are for sale or hire or the produce of which is sold and all places used for any purpose for which a license is required under this Regulation and regulating the conditions subject to which licenses or permissions may be issued suspended cancelled or refused

(*k*) regulating the construction of buildings and huts and prescribing the conditions and terms that may be imposed in this behalf,

(*l*) as to the restriction on, and the prohibition of, the use of inflammable materials in buildings and for the prevention of out-break of fire,

(*m*) as to the proper registration of births and deaths and taking of a census and enforcing the supply of such information as may be necessary to make such registration or census effective,

(*n* as to the disposal of carcases of animals dying within the Municipal limits and the disposal of corpses by burial or burning in burial and burning grounds, whether within or without the municipal limits,

(*o*) as to enforcing the supply of information as to cases of dangerous diseases among human beings and infectious diseases among cattle and preventing, meeting, mitigating, or suppressing such diseases or the out-break or introduction thereof,

(*p*) as to the disposal of mad and stray dogs,

(*q*) as to the regulation and improvement of conservancy and sanitation and prohibiting public nuisances,

(*r*) with reference to any other matter affecting the public health, comfort, safety or convenience for which the Government consider that rules may be framed, and

(*s*) for prescribing punishment not exceeding five hundred rupees for breach of any rule and also a further fine which may extend to twenty five rupees for every day on which such breach continues after the date of conviction or any subsequent date as may be fixed by the Magistrate.

(3) A rule may be general for all Municipalities, or for all Municipalities not expressly exempted from its operation, or may be special for the whole or any part of any one or more Municipalities, as the Government may direct.

after one month from the date of such publication

(4) All rules made by the Government under this Regulation shall be published in the official gazette both in English and Kannada and such rules when so published shall have the force of law.

[s. f Rang 16.]

Restriction of suits relating to election, appointment and removal of councillors or President.

22. No suit shall be entertained by a Civil Court in respect of any matter relating to the election, appointment or removal of a councillor or President unless such suit is authorised by a rule made under this Regulation

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